

**KALA PANI:
INDIAN CONVICTS IN MAURITIUS, 1815-1853**

CLARE ANDERSON

A THESIS SUBMITTED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY (PH.D.)

**UNIVERSITY OF EDINBURGH
AUGUST 1997**



**I confirm that this thesis is entirely my own work
and has been composed by me**

Clare Anderson

Publication which incorporates material included in this thesis: 'The Genealogy of the Modern Subject: Indian Convicts in Mauritius, 1814-1853', in Ian Duffield & James Bradley (eds), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997), pp.164-82.

ABSTRACT

Between 1815 and 1837 almost fifteen hundred Indian convicts were transported from the Presidencies of Bengal and Bombay and the colony of Ceylon to the Indian Ocean island of Mauritius. Transportation was then abandoned. After the convicts' arrival in Mauritius, they were put to work on various private and public works projects on the island. They were a crucial labour supply in important sectors of the rapidly expanding Mauritian economy. Above all they built and maintained the island's necessary infrastructure.

This thesis begins with an analysis of the context in which a system of transportation was set up in the Indian Presidencies. It is shown that transportation was a 'humanist' penal strategy, given particular resonance in the South Asian region due to colonial perceptions of the significance of race and caste there. At the same time, transportation was implemented as an economic strategy. It removed relatively costly prisoners from the Indian jails and satisfied the demand for certain categories of labour in Mauritius, which could not easily be procured from among the island's existing workforce. Extensive analysis is then made of a highly original source: convict ship indents. It is clear that the convicts came from the margins of Indian society, comprising groups which had been placed under the most pressure by East India Company penetration into north India.

The focus of the thesis then shifts to Mauritius and the operation of the convict system there. The main thrust of the remaining chapters is that although transportation was founded on 'disciplinary' principles, these were often far removed from the actual practices of convict management. The convicts' labour capacity was exploited, but this was sometimes challenged through convict resistance. Otherwise, there was a general lack of surveillance and control over the convicts which led to

their widespread integration in Mauritian society - through cohabitation, religious activities, leisure and the acquisition of private property - despite colonial directives to effect their social segregation. These conclusions lead to serious reservations about Foucauldian understandings of the matters addressed, which tend to totalise the effects of disciplinary and surveillance technologies.

CONTENTS

<i>List of maps, plates, figures and tables</i>	vi
<i>Abbreviations</i>	viii
<i>Preface</i>	ix
<i>Glossary</i>	x
Introduction	1
Chapter One	The South Asian Context: Penal Strategies, Economic Realities and the Transportation of the Indian 'Other' 17
Chapter Two	'The Most Desperate Characters In All India'? The Origins of the Indian Convicts 58
Chapter Three	'Disciplinary Technology' and the Convict System: Rhetoric v Reality 96
Chapter Four	'A fish-hook on every finger'? Convicts and the Acquisition of Private Property 147
Chapter Five	'The negresses will go to the convicts and the convicts will come to them ... ': Convict Social Autonomy 169
Chapter Six	Rebellion and Resistance: Convict Responses to Labour Demands 199
Chapter Seven	'Noted scoundrels' and 'determined villains': Convict Maroons 235
Chapter Eight	The End of Transportation and the Liberation of the Convicts 263
Conclusion	290
<i>Bibliography</i>	294

LIST OF MAPS, PLATES, FIGURES AND TABLES

MAPS

I	Portuguese map of the Indian Ocean	xiv
II	Mauritius (1858)	xv
III	Mauritius, the Indian Ocean and penal settlements in Southeast Asia	21
IV	South Asia, showing regions in India (as twentieth-century states) and Bangladesh from which convicts originated	59

PLATES

I	Governor Robert Townsend Farquhar	31
II	T.E. Bradshaw, <i>Village of Grande Rivière</i> and <i>Grande Rivière Looking South East</i>	101
III	M. Thuillier, <i>Vue du Pont Etienne sur le Ruisseau du Pouce</i> (1837)	116

FIGURES AND TABLES

i	Governors-General of India, 1772-1842; Governors of Mauritius, 1814-1857 and Secretaries to Government, Mauritius, 1814-1855	xiii
I.i	Convict Ships from Bengal, 1815-1828	38
I.ii	Convict Death Rates in Mauritius, 1815-1826	42
I.iii	Sentences of the Begal Presidency <i>Nizamat Adalat</i> , 1816-1827	43
I.iv	Convict Ships from Bombay, 1826-1836	46
I.v	Age of Bengal Convicts	49
I.vi	Age of Bombay Convicts	50
I.vii	Percentage Comparison of Bengal and Bombay Convict Ages	51
II.i	Bengal Convicts: Crime for Which Transported	72
II.ii	Bombay Convicts: Crime for Which Transported	73
II.iii	Sentences of the Bombay Convicts	74

II.iv	Number of Bengal Convicts Convicted in Gangs	75
II.v	Ascribed Caste Origin: Bengal Convicts	78
II.vi	Bengal Convicts: Correlation of Ascribed Caste and Place of Trial	80
II.vii	Ascribed Caste Origin: Bombay Convicts	81
III.i	Number of Convicts Found Guilty of Secondary Offences	125
III.ii	Punishment of Convicts Found Guilty of Secondary Offences	126
IV.i	Convict Convictions for Crimes Against Property	150
V.i	Convicts' Religious Status	182
VIII.i	Number of Convicts in Mauritius, 1815-1848	265

ABBREVIATIONS

India Office Library, London (IOL)

P	judicial proceedings
BenC&J	Bengal criminal and judicial consultations
BomC&J	Bombay criminal and judicial consultations
BenD	Bengal dispatches
MJC	Madras judicial consultations

Public Records Office, Kew (PRO)

CO	Colonial Office papers
----	------------------------

Mauritius Archives, Coromandel (MA)

HA	miscellaneous English records
HB	Madagascar papers
HC	proceedings of the Commune Générale
IB	evidence of the Commissioners of Enquiry
JA	Courts of Summary Jurisdiction (Police Correctionelle) and Supreme Court verdicts
JB	Court of Assizes proceedings
JI	post-mortems
PA	miscellaneous petitions
RA	departmental correspondence, letters received from India, minutes of the Governor and miscellaneous petitions
RC	miscellaneous petitions
RD	miscellaneous papers
SD	miscellaneous correspondence
Z2A	police reports and correspondence
Z2D	passenger lists inwards

Miscellaneous

PP	parliamentary papers
MNM	Mauritius Naval Museum

PREFACE

I would like to express my gratitude to my two supervisors, Dr Ian Duffield and Dr Crispin Bates of the Department of History, University of Edinburgh, for their support and encouragement during the completion of this thesis. Their fresh perspectives and critical comments have done much to inspire the finished product. Professors Patricia and Roger Jeffery at the Centre for South Asian Studies, University of Edinburgh assisted me enormously in the compilation of the glossary. I have also benefited a great deal from the support of Dr Jim Mills and Dr James Bradley. The British Academy and Carnegie Trust for the Universities of Scotland have been more than generous in their financial support for this project.

This thesis draws on a particularly wide range of source material and I am grateful to the various libraries and archives in which I had the privilege to work. In Britain, the staff at the National Library of Scotland, British Library, Public Record Office and India Office have been both knowledgeable and efficient. A long research trip to Mauritius was equally successful. The staff of the Mauritian Archives were extremely kind, as were those at the Supreme Court Library, Mauritius Institute and Royal Naval Museum. Tristan Breville, Dr Marina Carter, Joe Chiang Chan, Khalil Mouty and Maître Raymond d'Unienville also assisted me in various ways.

Finally, I am grateful for the support and understanding I have received from my family: Rowell and Madeleine Anderson, Simon, Jackie, Hannah and Molly. Gabriel Milland has also inspired me to what I hope are better things. Responsibility for any errors remains, of course, my own.

Clare Anderson

Edinburgh, August 1997

GLOSSARY¹

adivasi	tribal
ayurveda/ic	traditional Indian medicine
*bredes	green vegetables
*camarade	comrade/workmate
*cantine	arrack or liquor shop
chuar	robber
*commandeur	commander/sirdar
*conseil de commune	council
coolie	casual or menial labourer; indentured Indian immigrant
corah	whip
corvée	unpaid labour
*creole	Mauritian-born person/language of Mauritius
dacoit(y)	gang robber (gang robbery)
dal	lentils
dalit	low-caste (formerly 'untouchable')
dhobi	washerman
dhoti	loin cloth
gandia	marijuana
ghee	clarified butter
godena	process of tattooing crime and sentence on the forehead of the offender
goinda	'native informer'
goulmain	Mughal coin
havalдар	native officer of the Indian army, subordinate to the subahdar ¹
huslee	heavy silver necklace (lit. collar bone)
*inhabitant	planter interest
izzat	honour
janam chuar	criminal-by-birth
huqqa	tobacco (hubble-bubble) pipe
kala pani	the sea (lit. black water)
kapra	cloth/clothing

¹ *Words which apply exclusively to the Mauritian context.

Kazauck (rohilla)	immigrant of Kazakstan
lascar	muslim sailor
lota	water pot
marronage	convict/slave desertion
marquee	Indian coin, worth 7 1/2d
mohur	chief gold coin of British India, worth R15.00
Muharram (*Yamsé)	celebration by Shia Muslims of the martyrdom of Hasan and Husain at the start of the Muslim year
ness	temporary village
nizamat adalat	provincial court
pargana	administrative district (India)
pativrata	wife's complete devotion to her husband
*peniche	small fishing boat
peon	messenger
*piastre (\$)	Spanish dollar, worth approx. 45d
Pindari(es)	ex-solider mercenary(ies)
*piqueur	convict overseer
*pirogue	fishing boat
puja	prayer
*quartier	(country) district
*rattan	stick
rupee (R)	Indian coin
rybarree	cattle-herder
sadr nizamat adalat	supreme court
sati	widow self-immolation
sepoy	Indian soldier
sharam	shame
shudra	peasant
sicca rupee	rupee coined under the Government of Bengal, legally current from 1793-1836; of greater value than the Company rupee
sirdar	foreman/leader or commander
subahdar	a native officer in the Company's army holding a rank equivalent to that of captain under European officers
*sous	pence (small unit of currency)
tambour	musical instrument (drum)
thag(gee)	(practice of) gang robbery in Central India

zillah	district, defined for administrative & revenue purposes by the Mughals & British
zamindar	landowner

FIGURE I

GOVERNORS-GENERAL OF INDIA, 1772-1842

1772-75	Warren Hastings
1785-86	Sir John McPherson (Acting)
1786-1793	Lord Cornwallis
1793-98	Sir John Shore
1798-1805	Lord Wellesley
1805	Lord Cornwallis
1805-6	Sir George Barlow
1807-13	Lord Minto
1812-23	The Earl of Moira (later Lord Hastings)
1823	John Adams (Acting)
1823-28	Lord Amherst
1828-35	Lord William Bentinck
1835-36	Sir Charles Metcalf
1836-42	Lord Auckland

GOVERNORS OF MAURITIUS, 1814-1857

1814-18	Robert T. Farquhar
1818-19	Major-General Gage John Hall (Acting)
1819-20	Major-General Ralph Darling (Acting)
1820-23	Robert T. Farquhar
1823-28	Lowry Cole
1828-33	Charles Colville
1833-40	William Nicolay
1840-42	Lionel Smith
1842	William Staveley (Acting)
1842-49	William Gomm
1849-50	George Anderson
1850-51	William Sutherland (Acting)
1851-57	James M. Higginson

SECRETARIES TO GOVERNMENT, MAURITIUS, 1814-1855

1816-31	G.A. Barry
1831-49	G.F. Dick
1849-55	C.J. Bayley

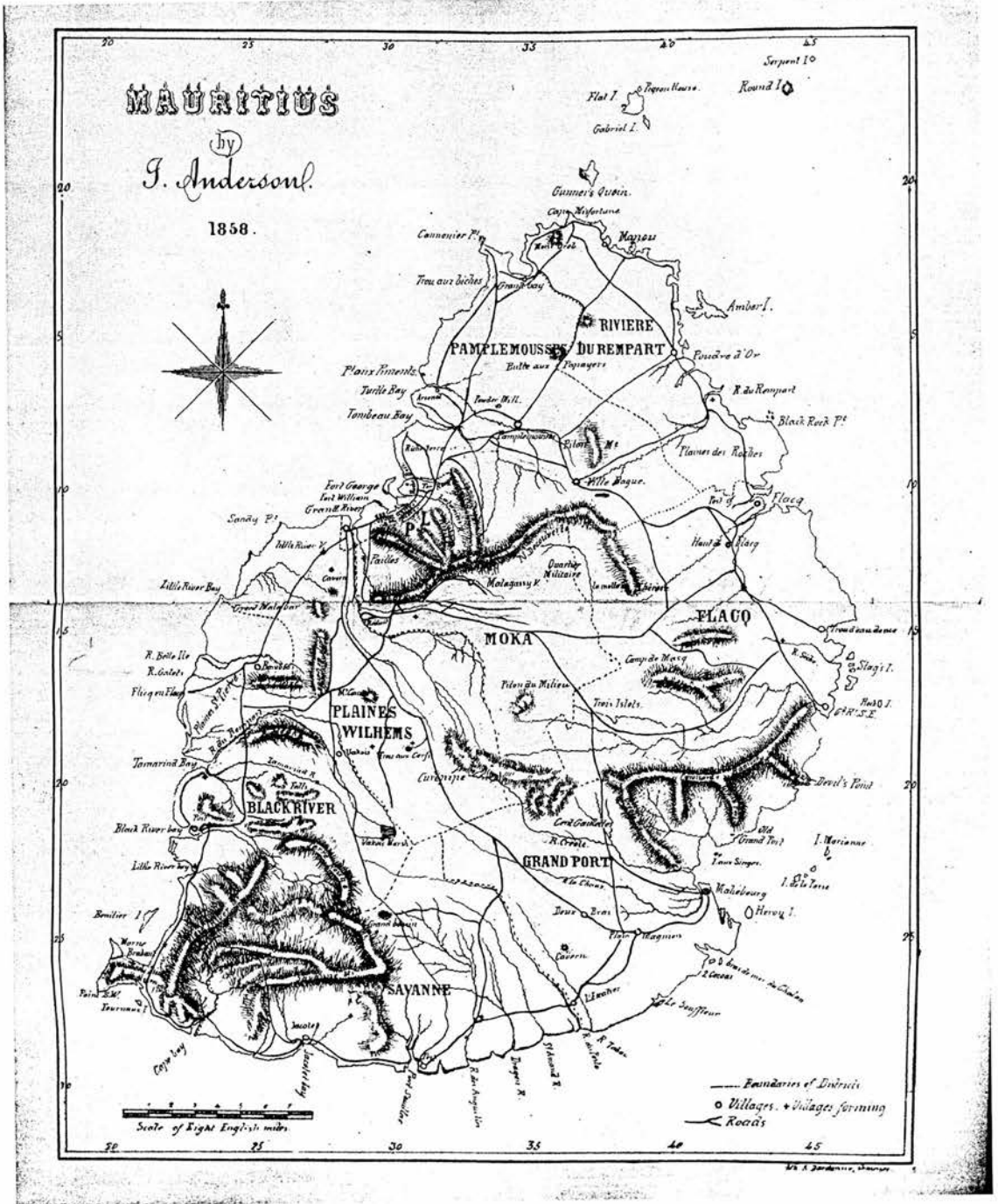
Adapted from Allister Macmillan (ed.), *Mauritius Illustrated; Historical and Descriptive Commercial and Industrial Facts, Figures and Resources* (London, W.H. Collingridge: 1914).

Map I



Portuguese map of the Indian Ocean (MNM)

Map II



John Anderson, *Descriptive Account of Mauritius; its scenery, statistics &c with brief historical sketch* (Mauritius, L.A. Denny: 1858).

INTRODUCTION

The Indian Ocean island of Mauritius was discovered by the Portuguese in 1507 but remained uninhabited until the seventeenth century. It was then claimed and settled intermittently by the Dutch, who named it Mauritius. In 1715, five years after the Dutch abandoned the island, the French established a permanent settlement there, renaming it Ile de France. With support from the neighbouring island of Bourbon (now La Réunion) and slave labour from Africa, the foundations of the sugar industry were built. In 1810, the British captured the island from the French and it was formally ceded to them by the Treaty of Paris in 1814. Ile de France then resumed its original name, Mauritius. The terms of the capitulation guaranteed that the inhabitants could retain their 'customs', property, legal code (Code Napoleon), French language and religion. However, the British made it clear that the island would be governed by British law.

During the Dutch period, a limited number of convicts were sent to Mauritius. Under Governor Por (1648 to 1653) several dozen convicts were transported from Batavia (now Jakarta) to cut ebony. After they were freed some remained on the island as planters and by 1655 one ex-convict had a household of sixteen persons. A number of Batavian convicts were also transported to the island under Co-Governors Woutbeck and de Jongh (1653 to 1656).¹ The nature of their offences varied, with the Dutch government dividing the convicts into two categories: the *banelingen* who had committed political offences, and the *bandieten* who had been condemned for crimes against the criminal law.²

At the end of the seventeenth century the utility of convict labour was questioned. Governor Deodati (1692 to 1703) wrote that a group of convicts, transported to the

¹ Auguste Toussaint & P.J. Barnwell, *A Short History of Mauritius* (London, Longmans: 1949), pp.14-5.

² H. Ly-Tio-Fane & D. Harah, 'Indian Convicts in Mauritius 1816-1853', in Uttam Bissoondoyal (ed.), *Indians Overseas: The Mauritian Experience* (Moka, Mauritius, Mahatma Gandhi Institute Press: 1984), p.205.

island to clear woodland, had stolen a boat and absconded. After recapture, they were placed in heavy irons to prevent another escape. Now, they were unable to work effectively. Deodati wrote: 'We beg you not to send such people anymore'.³ The Dutch subsequently abolished transportation to Mauritius, withdrawing from the island shortly afterwards. After their arrival in 1715, the French did not use convict labour. However, convicts were reintroduced by the British a few years after they took control of the island in 1810.

All in all, between 1815 and 1837, some 1500 Indian convicts were transported to Mauritius from the Presidencies of Bengal and Bombay and from the island of Ceylon. Transportation to the island was then abandoned. The number of convicts received was extremely limited in comparison to the 453,000 indentured Indian immigrants who arrived in Mauritius after the abolition of slavery in 1834.⁴ However, it was significant enough to make a demographic impact on a population which, according to the first census in 1826, totalled 9,000 whites, 14,000 Indians, Chinese and creoles (Mauritian born) and 63,000 slaves.⁵

After their arrival in Mauritius, the convicts were put to labour on public works projects, which included clearing land, quarrying and building and repairing roads and bridges. It is clear that they were a valuable labour force. Indeed, after the abolition of transportation to Mauritius, numerous complaints arose about the poor condition of the roads. It has also been suggested that the experience of the utility of convict labour influenced the later decision to import indentured Indians to work on the plantations.⁶ If it did not influence it, it certainly facilitated it: thus a *Commission of Enquiry*

³ B. Bissoondoyal, *The Truth About Mauritius* (Bombay, Bharatiya Vidya Bhavan: 1987), p.25.

⁴ Marina Carter, *Servants, Sirdars & Settlers: Indians in Mauritius, 1834-1874* (New Delhi, Oxford University Press: 1995), p.7.

⁵ PRO CO172.42. Baron d'Unienville, *Tableaux de Statistiques*, tableau no. 6.

⁶ Stephen Nicholas & Peter R. Shergold, 'Transportation as Global Migration', in Stephen Nicholas (ed.), *Convict Workers: Reinterpreting Australia's Past* (Cambridge, Cambridge University Press: 1988), p.32.

(1875) reported that the previous existence of 'convict forced labour' made the Mauritian Indian indentured labourer 'not the entire stranger he was in the West Indies and Demerara'.⁷

Convict historiography

There is a rich historiography on transportation from Great Britain to the colonies. One fairly recent major work has focused on the eighteenth-century convict labour stream existing between Britain and North America.⁸ The convict settlements established in New South Wales, Van Diemen's Land and Western Australia during the late eighteenth to mid-nineteenth centuries have been examined in even greater depth. Recent analyses have argued that the convicts transported there were not members of a 'criminal class', but were drawn from a broad cross-section of the British working class. Econometric studies have also stressed the impact made by the convicts as an effectively managed labour force.⁹ A number of other accounts focus on the transportation of non-white convicts from Britain and the Cape Colony.¹⁰

⁷ PP 1875 XXIV. Mauritius (Treatment of Immigrants): Report of the Royal Commissioners appointed to inquire into the Treatment of Immigrants in Mauritius, p.27.

⁸ A. Roger Ekirch, *Bound For America: The Transportation of British Convicts to the Colonies, 1718-1775* (Oxford, Clarendon: 1987). Other works in this field include Barry Dyster (ed.), *Beyond Convict Workers* (Sydney, Department of Economic History, University of New South Wales: 1996); K. Morgan, 'The Organisation of Convict Trade to Maryland, Stevenson, Randolph and Cheston', *William & Mary Quarterly*, 3, 7 (1985), pp.201-27; Wilfred Oldham, *Britain's Convicts to the Colonies* (Sydney, Library of Australian History: 1990), chapters 1 & 2; and, A.G.L. Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the British Empire* (London, Faber & Faber: 1966), pp.21-37.

⁹ See Joy Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia* (Cambridge, Cambridge University Press: 1997); Ian Duffield & James Bradley (eds), *Representing Convicts: New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997); Raymond Evans & William Thorpe, 'Power, Punishment and Penal Labour; Convict Workers and Moreton Bay', *Australian Historical Studies*, 25, 98 (1992), pp.90-111; Nicholas (ed.), *Convict Workers*; Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge, Cambridge University Press: 1996); and, K.M. Reid, 'Work, Sexuality and Resistance; The Convict Women of Van Diemen's Land, 1820-1839', Ph.D. thesis, University of Edinburgh (1996).

¹⁰ Ian Duffield, 'From Slave Colonies to Penal Colonies; the West Indians Transported to Australia', *Slavery & Abolition*, 7, 1 (1986), pp.25-45; Ian Duffield, 'Naming Namoroa', unpublished paper presented at *Africans & Caribbeans in Britain: Writing, History & Society. A Conference in Celebration of Paul Edwards*, University of Edinburgh: 1994; Leslie C. Duly, 'Hottentots to Hobart and Sydney': The Cape Supreme Court's Use of Transportation, 1828-38', *Australian Journal of Politics & History*, 25, 1 (1979), pp.39-50; J. Jupp (ed.), *The Australian People: An Encyclopaedia of the Nation, Its People and Their Origins* (North Ryde, Angus & Robertson: 1988); and, V.C. Malherbe, 'Khoikhoi and the Question of Convict Transportation from the Cape Colony,

Studies of South Asian convict labour streams have been rather more limited. Between c.1790 and 1860 tens of thousands of Indians were transported from the Indian Presidencies to penal settlements in Southeast Asia. However, very little is known about these convicts.¹¹ After 1858, when the Andaman Islands were established as a penal colony, thousands more Indian convicts were transported there. This has also attracted only a limited degree of historical concern.¹² There has been no major study of the operation of the transportation system from South Asia to Mauritius either. One short account has usefully established how the convicts were organised.¹³ Other than this, historians have made only passing references to the convicts, with their sources largely drawn from observations found in nineteenth-century travel literature.

The highly visible spectacle of Indian convicts working on the roads was frequently commented upon by nineteenth-century visitors to Mauritius. Descriptions of the convicts were classically orientalist, with the convicts placed in the realms of the 'exotic'. At the same time, the ethnocentric British eye homogenised the diversity of the convicts into the category of both 'Indian' and 'convict', individuals within a subsumed collective 'they'. Indeed, Charles Darwin wrote upon his first sighting of the men:

1820-1842', *South African Historical Journal*, 17 (November 1985), pp.19-39.

¹¹ See N. Rajendra, 'Transmarine Convicts in the Straits Settlements', *Asian Profile*, 11, 5 (October 1983), pp.509-17; Kernial Singh Sandu, 'Tamil & Other Indian Convicts in the Straits Settlements, A.D. 1790-1873', *Proceedings of the First International Tamil Conference Seminar of Tamil Studies, Volume I* (Kuala Lumpur, Malaysia, International Association of Tamil Research: 1968); and, Kernial Singh Sandu, *Indians in Malaya: Some Aspects of their Immigration & Settlement* (London, Cambridge University Press: 1969). Another nineteenth-century volume, written by the Superintendent of Convicts in Singapore, provides some interesting insights: J.F.A. McNair, *Prisoners Their Own Warders: A Record of the Convict Prison at Singapore in the Straits Settlements established 1825, Discontinued 1873, together with a Cursory History of the Convict Establishments at Bencoolen, Penang and Malacca from the Year 1797* (Westminster, Archibald Constable & Co.: 1899).

¹² See F.A.M. Dass, *The Andaman Islands* (Bangalore, Good Shepherd Convent Press: 1937) and L.P. Mathur, *Kala Pani: History of Andaman and Nicobar Islands With a study of India's Freedom Struggle* (New Delhi, Eastern Book Corporation: 1985).

¹³ Ly-Tio-Fane & Harah, 'Indian Convicts in Mauritius'.

Before seeing these people I had no idea that the inhabitants of India were such noble looking men; their skin is extremely dark, and many of the older men had large moustachios and beards of a snow white colour; this, together with the fire of their expressions, gave to them an aspect quite imposing.¹⁴

'Noble looking', complete with fiery expression, the physical appearance of *'these people'* as an *homogenised* group was said to create *'an aspect quite imposing'*, a sense of the character of *the men*.

Mary Louise Pratt has argued that the representation of an abstracted 'he' or 'they' situates the individual subject in a timeless present tense, characterising individual action not as a particular historical event, but as an instance of a pregiven custom or trait. This transforms the individual into 'a *sui generis* configuration'.¹⁵ In a perfect illustration of this, the Reverend Patrick Beaton wrote in 1859 of the almost biblical appearance of one convict:

In physical organisation and general intelligence [the convicts] are far superior to their Coolie countrymen. One fine old man, living in the hut nearest to the sea, might sit as a model for one of the patriarchs. His Oriental features, tall, erect figure, flashing eyes, and flowing beard, recall the pictures of Abraham by the old masters.¹⁶

Other travel writers portrayed the convicts as somewhat wild and 'untamed'. Mrs Bartrum, recalling her seven years' residence in Mauritius during the 1830s, wrote:

¹⁴ Nora Barlow (ed.), *Charles Darwin's Diary of the Voyage of the H.M.S. "Beagle"* (Cambridge, Cambridge University Press: 1933), pp.401-2.

¹⁵ Mary Louise Pratt, 'Scratches on the Face of the Country; or, What Mr Barrow Saw in the Land of the Bushmen', in Henry L. Gates (ed.), *'Race', Writing & Difference* (Chicago, University of Chicago Press: 1991), p.139.

¹⁶ Patrick Beaton, *Creoles and Coolies; Or, Five Years in Mauritius* (New York, Kennikat Press: 1971; first published 1849), p.179. 'Coolie' refers to indentured Indian immigrants.

Amongst the objects that arrested my attention in passing through the country, I remember being struck with the appearance of the Hindoo convicts, at work on the roads ... they had mostly a ferocious scowling aspect, and some particularly seemed to me suited to be the study of a painter in Salvator Rosa's style: the dark malignant glance, the bent brow, the turban of dirty white, or dusky red; the loose drapery, only half clothing the body, gave them a wild, picturesque appearance, to which mountain scenery added still greater effect.¹⁷

In both cases, the convicts were elevated into the realms of the 'picturesque', objects of the writers' imagination. As Gail Ching-Liang Low has observed, the other is 'a product of a discriminatory gaze'.¹⁸ The convicts were perceived as exotic or, in the latter case, potentially erotic bodies. Jyotsna G. Singh states that this 'colonising imagination' demarcated identity and difference. Differential identities were based upon 'ideological and mythical distinctions': between civilisation/barbarism and tradition/modernity.¹⁹

The judgement of character according to physical appearance was nothing new. During this period, however, such judgements coincided with the development of particular human sciences which divided, categorised and classified groups of individuals according to their perceived physical characteristics. Scientific categories thus became the object of systematic political attention in their intervention in the systematisation of the division of populations. Charles Darwin himself was a key player in the emergent practice of anthropometry. Integral to this process of scientific ordering was the creation and appropriation of 'knowledge' of individuals. The concepts of criminal caste and criminal tribe were developed to take a place in the 'scientific' discourse of 'race', for example. Different ethnic or caste groups were

¹⁷ Mrs Bartrum, *Recollections of Seven Years Residence at the Mauritius, or Isle of France; By a Lady* (London, James Cawthorn, Cockspur-Street: 1830), pp.123-4. Mrs Bartrum lived in the colony between 1820 and 1827.

¹⁸ Gail Ching-Liang Low, *White Skins/Black Masks; Representation and Colonialism* (London, Routledge: 1996), p.197.

¹⁹ Jyotsna G. Singh, *Colonial Narratives/Cultural Dialogues; "Discoveries" of India in the language of colonialism* (London, Routledge: 1996), pp.2-3.

also targeted and mobilised as labour on the basis of these categorisations.²⁰

It is noticeable that most nineteenth-century observers were sympathetic towards the convicts. Auguste Billiard, one of the first visitors to mention them, wrote in 1819 that they were part of a sepoy regiment who had been condemned to transportation and hard labour for life for 'the crime of rebelling against the English'. His observation implicitly represented the convicts as unthreatening 'political' prisoners.²¹ On his return from Australia in March 1838, the Quaker reformer James Backhouse also visited Mauritius. As a campaigner against transportation, he wrote rather predictably in his *Narrative* that some of the convicts were 'dupes of those who were older'. He added that 'many of them bear good characters'.²²

In 1846, Charles Pridham reproduced Backhouse's observations. He also wrote of the convicts' 'general good conduct', portraying them as victims:

Philosophy at home, which hath adopted for its dictum the principle of a prevention, not a revenge, of crime, sees them not, and on the dusty roads and on a foreign soil the sun of the tropics darts its fierce rays on these victims of unrequited toil and ceaseless despair.²³

²⁰ See Crispin Bates, 'Race, Caste and Tribe in Central India: the early origins of Indian anthropometry', in P. Robb (ed.), *The Concept of Race in South Asia* (New Delhi, Oxford University Press: 1995), pp.219-57. There is an extensive literature on the importance attached to 'race' in the recruitment and utilisation of labour. See, for example, Syed Hussein Alatas, *The Myth of the Lazy Native: A Study of the Image of the Malays, Filipinos, and Javanese from the Sixteenth to the Twentieth Century and its Functions in the Ideology of Colonial Capitalism* (London, Frank Cass: 1977); Crispin Bates & Marina Carter, 'Tribal and Indentured Migrants in Colonial India: Modes of Recruitment and Forms of Incorporation', in P. Robb (ed.), *Dalit Movements and the Meanings of Labour in India* (New Delhi, Oxford University Press: 1993), pp.159-85; Jan Bremen, *Taming the Coolie Beast: Plantation Society and the Colonial Order in Southeast Asia* (New Delhi, Oxford University Press: 1989); C.C. Crais, *White Supremacy & Black Resistance in Pre-Industrial South Africa: The Making of the Colonial Order in the Eastern Cape, 1770-1865* (Cambridge, Cambridge University Press: 1992); David Dabydeen & Brinsley Samaroo (eds), *India in the Carribean* (London, Hansib: 1987); and, P.C. Emmer, 'The Meek Hindu: the recruitment of Indian indentured labourers for service overseas, 1870-1916', in P.C. Emmer (ed.), *Colonialism and Migration; Indentured Labour before and after Slavery* (Dordrecht, Martinus Nijhoff: 1986), pp.187-207.

²¹ François Jacques Marie Auguste Billiard, *Voyages aux Colonies Orientales, Ou Lettres Ecrites des Iles de France et de Bourbon Pendant Les Années 1817, 1818, 1819 et 1820* (Paris, Librairie Française de l'Advocat: 1822), pp.30-1.

²² James Backhouse, *A Narrative of A Visit to The Mauritius and South Africa* (London, Hamilton, Adams & Co.: 1844), p.35.

²³ Charles Pridham, *England's Colonial Empire: An Historical, Political and Statistical Account of*

Charles Darwin added that the convicts were 'generally quiet and well conducted'. He stated that it was impossible to view them 'with the same eyes as our wretched convicts in New South Wales'.²⁴

The *Report of the Royal Commissioners* consolidated this vision of the convicts in 1875, when it reported:

Many of these men, particularly among the first introduced, were very desperate characters; but considering the depot in which they were housed at Grand River was admittedly incapable of keeping them in safe custody, and that the camps they were in when at work on the roads were no more places of security than are the straw huts of the present immigrants, it appears extraordinary that more complaints were not made of their conduct; in fact it is wonderful that they should have behaved themselves so well.²⁵

There was invariably some truth to these observations. Undoubtedly, some of the convicts were sepoys. They were commonly referred to as such, with 'sepoy' and 'convict' becoming interchangeable terms of reference. Other convicts were transported for what might broadly be defined as political offences. Once landed in Mauritius, their conduct may also have been less bawdy than that of British working class convicts in the Australian colonies.²⁶ However, very little has been written on the convicts since the nineteenth century. All the Indian convicts transported to Mauritius have been perceived as high-caste victims of the British, punished for rebelling against colonial rule. It is argued that the convicts subsequently accepted

the Empire, its Colonies, and Dependencies; Vol. 1, The Mauritius and its Dependencies (London, Smith, Elder and Co.: 1846), p.99.

²⁴ Barlow (ed.), *Charles Darwin's Diary*, p.402.

²⁵ PP 1875 XXIV. Mauritius (Treatment of Immigrants): Report of the Royal Commissioners appointed to inquire into the Treatment of Immigrants in Mauritius, pp.26-7.

²⁶ Sturma argues that the characterisation of 'lewd conduct' amongst convicts in the Australian colonies originated in the conflict between bourgeois sensibilities and working class practices. See M. Sturma, *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales* (London, University of Queensland Press: 1983). For a recent exploration of the 'picaresque' lifestyle of transported convicts in Sydney, see Grace Karskeens, *The Rocks; Life in Early Sydney* (Melbourne, Melbourne University Press: 1997), chapters 6-8. On the 'bawdiness' of female convicts, see Damousi, *Depraved and Disorderly*, chapters 2 & 3.

their situation on the island with all the dignity of their implied nobility. This singularisation of 'the convict experience' does little to bring out the complexities of transportation.

In *Indian Immigrants and their Descendants in Mauritius*, Varma argues that the convicts were not murderers or highway robbers but had been transported because they were rebels against the British. He describes the convicts as 'cultured and respectable', adding that some of them had been missionaries and politicians.²⁷ Similarly, A.R. Mannick states in *Mauritius: The Development of a Plural Society* that the convicts were mainly sepoys serving life imprisonment for minor military or political offences.²⁸ Bissoondoyal, in *The Truth About Mauritius*, writes that some of the convicts had been transported because they 'refused to give up their religion' and that 'far from being misfits the convicts were useful citizens who have been praised'.²⁹ Hazareesing adds in *History of Indians in Mauritius* that 'the prisoners adapted themselves to their new life cheerfully'. According to him, although the convicts were of a 'rowdy nature', they 'gave no trouble to their masters'.³⁰

Even the most recent historiography has reflected these opinions. Paradoxically, it has perpetuated nineteenth-century discourse, essentialising the Indians' perceived 'racial' characteristics. Moomtaz Emrith again describes the convicts as sepoys found guilty of military or political offences and goes on to add that they were 'generally a quiet and well-behaved group noticeable for their neatness'. He states that they rarely complained about their situation: 'they tended to bear their exile with the resignation and forbearance peculiar to their race'.³¹

²⁷ Moonindra Nath Varma, *Indian Immigrants and their Descendants in Mauritius* (Vacoas, Mauritius, published by the author: 1973), pp.16-7.

²⁸ A.R. Mannick, *Mauritius: The Development of a Plural Society* (Nottingham, Spokesman: 1979), p.39.

²⁹ Bissoondoyal, *The Truth About Mauritius*, pp.19-23.

³⁰ K. Hazareesingh *History of Indians in Mauritius* (London, Macmillan: 1977), p.20.

³¹ Moomtaz Emrith, *History of the Muslims in Mauritius* (Vacoas, Mauritius, Editions le Printemps: 1994), pp.20-2.

Other historians have distorted the motives behind the transportation of convicts to Mauritius. Although the convicts were transported to work on public work projects, it has been argued that they were sent to the island in order to establish a silk manufactory.³² By implication, this perspective represents the convicts as 'noble' artisans rather than common labourers. The authorities did, in fact, attempt to set up a silk establishment on the island in the 1820s, but it met with little success and was eventually abandoned, with the handful of convicts allocated to it being quickly transferred back to public works.³³

Rethinking power-knowledge

An examination of the transportation of convicts from India to Mauritius during the first half of the nineteenth century provides an ideal opportunity to explore some of the imperatives in the work of the French philosopher Michel Foucault, whose focus has largely been on the relationship between specific scientific disciplines and particular social practices in the modern age.³⁴ Foucault identifies such scientific disciplines, with their origins in the mid-eighteenth century, in the development of the human sciences which, he argues, are significant as 'technologies', techniques appropriated

³² Toussaint & Barnwell, *A Short History of Mauritius*, p.131.

³³ The silk industry will be discussed in more detail in chapter three.

³⁴ Foucault's work exhibits a clear methodological shift from his early work. *The Order of Things: An Archaeology of the Human Sciences* (London, Tavistock: 1970); *The Archaeology of Knowledge* (London, Tavistock: 1972); *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, Vintage/Random House: 1973); and, *The Birth of the Clinic: An Archaeology of Medical Perception* (London, Tavistock: 1973) can be described as neo-structuralist in their focus upon the 'hermeneutics of suspicion', the recovery of the deep, hidden meanings and truths ('epistemic rules') which regulate and govern the discursive practices of the human sciences. Here, social practice is subordinated to a determining theoretical social structure, with the discourse of human sciences producing the subject within an autonomous rule-governed system. A turning point came with the essay 'Nietzsche, Genealogy, History', and was developed in Foucault's subsequent work, *Discipline & Punish: The Birth of the Prison* (London, Allen Lane: 1977); *The History of Sexuality Vol. 1* (New York, Pantheon: 1978); and, the collection in *Power/Knowledge: Selected Interviews and Other Writings by Michel Foucault, 1972-1977* (New York, Pantheon: 1980). Foucault's concerns shift from a focus upon theory to one on practice. This later work is still 'archaeological' in isolating the discursive practices of the human sciences, but is post-structural (and post-hermeneutic) in the sense that rather than locating them as a product of hidden epistemic rules, the focus is on their social effects and role in the organised and organising practices of society, in whose spread they play a crucial role. The whole concept of deep meaning itself comes to be viewed as a cultural construction. See Hubert L. Dreyfuss & Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Brighton, The Harvester Press: 1982).

in the 'bio-(technico-)power' of a society concerned with the ordering, classification and control of individuals. In diagnosing the development of bio-power, Foucault produces a reading of Nietzsche's 'genealogy': to describe the way in which power uses the illusion of meaning to further itself and to analyse the play of social relations as they exist in society. The relationship between scientific disciplines and social practices is implicated here, with the enmeshment of power and knowledge integral to modern society. It is not a causal, but a correlative relationship: power and knowledge operate in a mutually generative fashion, where knowledge is thoroughly enmeshed in all forms of power, and power is enmeshed in all forms of knowledge:

We should admit ... power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.³⁵

The implication of the power-knowledge duality is that it is relations of confrontation, domination and subjection which characterise the social web. Although power weaves its way through society, it cannot be monopolised by an agent, however. Power is a strategy, but only as an effect within a particular field in which a particular set of power relations are played out.³⁶

In analysing the social relations of domination and subjection, Foucault first attempts to locate historically the strands of discourse which deal with the individual, the knowledge of that individual and the power relations between individuals in society, and then to analyse them. His 'genealogical' approach constructs a mode of analysis of those social practices where power and knowledge intertwine to shape the modern individual as both object and subject,³⁷ with power-knowledge both individualising

³⁵ Foucault, *Discipline & Punish*, p.27.

³⁶ Barry Smart, 'On Discipline and Social Regulation: A Review of Foucault's Genealogical Analysis', in David Garland & Peter Young (eds), *The Power To Punish* (Aldershot, Ashgate Publishing: 1992), p.77.

³⁷ Dreyfus & Rabinow term this approach 'interpretive analytics', *Michel Foucault*, p.123.

and totalizing in its implications. According to Foucault, an attempt (and only an attempt, for power is open to resistance) is made to mould individuals in society into subjects of knowledge and then transform them from subjects of that knowledge into objects of the totalizing power of that same knowledge, through the genealogical praxis. Moreover, for Foucault, bio-power is concerned with the categorisation of populations through the use of the individual body as a malleable object, a site where the human sciences as local practices reflect the nature of extraneous power relations.

There are three locations where the individual subject is transformed into an object of power relations through the 'disciplinary technology' of the genealogical process. Firstly, dividing practices form and give an identity to individuals within a specific group and, in so doing, force a sense of social exclusion on members of those groups within the general population. Secondly, these divisions are mediated and consolidated through scientific classifications. Finally, individuals transform themselves into an object of their own subjectification. There is, for each individual, a dual meaning to these two processes, as he or she becomes 'subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge'.³⁸

An exploration of the relationship between power, knowledge and the body and its implications for the division, classification and subjectification of individuals in society is highly relevant to the practices which surrounded the transportation of convicts in the colonial context. Particular disciplinary and spatial arrangements were necessary to transform the convicts into workers. Orderly individuals were to be inserted into a machinery of production, parallel to their fixation, control and rational

³⁸ Michel Foucault, 'The Subject and Power', in Dreyfus & Rabinow, *Michel Foucault*, p.208. An analogy between Foucault's concern with the conception of the human subject and that of Nietzsche has been drawn here - implicit to both is the assumption that only the status and capacities of the subject can define the capacities of that subject to domination and freedom. See Smart, 'On Discipline and Social Regulation', pp.64 & 112.

distribution as a population. This was built on a knowledge of individuals and was crucial to the mutual dependence of disciplinary strategies and capitalism. Colonial knowledge, however, was not always effective. Nor were attempts to institutionalise control over the convicts. This has implications for Foucault's interpretation of the nature of power relations in society. Although colonial rhetoric proclaimed that the system was based on disciplinary technology, there was a wide gap between the discourse of discipline and control and actual colonial practices.

This thesis begins with an examination of the context in which a system of transportation was set up between the Presidencies of Bengal and Bombay, the island of Ceylon and Mauritius (chapter one). It is argued that transportation was a 'humanist' punishment, given particular resonance in the Indian context due to British perceptions of the significance of race, caste and gender there. In particular, it was believed that Indians greatly feared caste defilement when they were sent overseas. The continual demands of the Mauritian authorities for young, fit male convicts are also examined. Transportation is viewed as an Indian penal strategy which also satisfied economic demands in Mauritius: the desire for a cheap, controllable labour force.

Chapter two contextualises and then explores the socio-economic background of the transported convicts: principally their ascribed caste, their place of trial and the crime for which they were transported. It is shown that a large proportion of the Indian convicts were from those sectors of (peasant) society which had been placed under the greatest pressure by East India Company policy in the early nineteenth century. A significant number of the total were also of high-caste origin. The authorities were nervous of the social consequences of executing such offenders and transportation was a useful alternative punishment. The overwhelming majority of convict offences were crimes against property. It is likely that a number of these (including gang

robbery, plundering and mercenary acts) came in response to the increased economic and social marginalisation of particular castes and tribes in certain areas of the Indian Presidencies.

Chapter three shifts the focus into the Mauritian context. It is an examination of 'disciplinary technology' there. The convict system rested on three main premises: hard labour, strict discipline and social segregation. These are explored through an analysis of the organisation of the convicts; the nature of hard labour; the convicts' relationship to the criminal law; the use of positive incentives and convict commanders as a management strategy; and, the segregation of the convicts from other social groups on the island, primarily slaves and, in the later period, indentured Indian immigrants. It was claimed that a combination of these factors would effect the convicts' moral reformation. However, it is shown that the language of moral reform was essentially an attempt to persuade the Indian authorities of the success of transportation as a penal strategy, in order to secure a continuing stream of convicts to satisfy public works labour demand. In this, there are hints of the fragility of 'disciplinary technology'. It is suggested that as a result of problems with convict overseers and the convicts' spread throughout the island, the convict system was not in reality predicated upon the strict surveillance that colonial rhetoric proclaimed.

Despite colonial directives against it, the convicts were able to acquire personal property, through their involvement in both illegal and legal activities (chapter four). Given the problems with convict surveillance, it was inevitable that they would do so. At the same time, the sale and exchange of goods implied the existence of socio-economic relations with the wider population. This was in opposition to colonial imperatives. Chapter five continues the same theme. It is an examination of convict social life: cohabitation, religious practices and leisure activities. It is argued that as a result of the lack of control over them, convicts were able to retain a degree of social

autonomy, through their interaction with slaves, apprentices and other Indians. Convicts were also prepared to resort to violent means when particular cultural practices relating to caste came under threat. In this sense, the line between autonomy within the convict system and direct resistance against it was sometimes very fine.

The rationale of transportation, however, was still to create a workforce. It is thus meaningful to talk of convict 'resistance' against labour demands. Convicts employed a range of individual and collective tactics and this is the subject of chapter six. These included direct action and 'everyday' forms of resistance: rebellion, assaults against commanders and overseers, 'go-slow' tactics and refusal to work. The incidence of convict suicide as 'resistance in the last instance' to the convict system is also explored. Convict desertion (marronage) is examined as a form of direct resistance which also exemplified the existence of convict social autonomy (chapter seven). The basis of marronage was often a rejection of labour demands. It also presented a socio-economic lure. The activities of maroon convicts thus underline the tensions between the claims of colonial discourse and the practices of convict management: convicts were able to evade surveillance and merge into the general population, in opposition to the rhetoric of discipline and control.

Finally, chapter eight examines the issues surrounding the abolition of transportation to Mauritius (in 1837) and the liberation of the convicts (in 1853). It is argued that the system came to an end for two reasons. Firstly, the diminishing economic returns to be gleaned from a small, increasingly elderly workforce rendered transportation financially unfeasible. Secondly, there were fears that the convicts would prove a bad moral influence on the increasing numbers of indentured Indian immigrants in Mauritius during this period. The reasons for which transportation ended were thus entirely consistent with the basis on which the convict system in Mauritius had originally been founded.

CHAPTER ONE

THE SOUTH ASIAN CONTEXT: PENAL STRATEGIES, ECONOMIC REALITIES AND THE TRANSPORTATION OF THE INDIAN 'OTHER'

The policy of transporting convicts overseas was first implemented by the Indian Presidencies at the end of the eighteenth century. It can be located within what has been described elsewhere as a post-enlightenment shift in penal strategies, from the 'spectacle of the scaffold' to 'humanist' punishment. The perceived penological utility of transportation was also integrally linked to British perceptions of the Indian 'other', predicated upon essentialised visions of race, caste and gender in the Indian sub-continent. Neither would it ever have been so widely implemented as a punishment had it not also fulfilled particular fiscal and economic imperatives in both the Indian Presidencies and Mauritius. Indeed, judgements of the ostensible penal success of transportation were often determined by its success as an economic strategy. Transportation was thus a penological solution to socio-economic imperatives in two quite different colonial contexts.

The origins of transportation in South Asia

The idea of transporting Indian criminals overseas from Bengal began to gain ground with the legal reforms of Governors-General Warren Hastings and Lord Cornwallis between 1772 and 1793.¹ The judges of the *nizamat adalat* (provincial courts) and *sadr nizamat adalat* (Supreme Court) were directed to use it as a penal option in 1773, when Hastings stated that every prisoner sentenced 'to work during life upon the roads, or to suffer perpetual imprisonment' was to be transported to the East India Company's settlement at Bencoolen (now Benkulu) in Sumatra instead. In January 1789, a free settler, Julius Griffith, also transported twenty life prisoners to Pulau Pinang (known by the British as Prince of Wales Island) off the coast of Malaya on the Malacca Straits. He was permitted to work the convicts for his own profit, on the condition that he provided their rations, 'treated them reasonably well', and did not exact 'excessive' hard labour. Pinang was thus established as a penal settlement, with subsequent directives recommending that leaders of gangs, life prisoners and

¹ This followed the recommencement of transportation from Britain between 1787 and 1788.

those who were to forfeit their limbs as punishment be transported there to work on public works projects instead. Five years later in 1794, attempts were also made to set up a penal colony in the Andaman Islands. All convicts sentenced to life imprisonment were to be transported there to clear land and work on public works projects. Within two years the settlement at Port Cornwallis was abandoned after its population was decimated by disease, however. The stores and convicts were sent to join the settlement at Pinang and the free settlers were taken back to Bengal.²

The first regulations relating to transportation were made within a few years of the settlements at Bencoolen and Pinang. Regulation IV (1797) directed that all sentences of imprisonment for seven or more years be commuted to transportation. Regulation II (1799) extended the penalty of transportation to prisoners who had escaped from jail. In 1803, Regulation LIII directed that the punishment of mutilation be commuted to imprisonment or transportation for a term of years.³ Regulation VIII (1808) made all cases of *dacoity* (defined as robbery by five or more persons), not liable to the death penalty, punishable by thirty-nine lashes of the *corah* (whip) and transportation for life. Attempted murder was also made subject to a maximum sentence of transportation for life if the attempt led to actual wounding or maiming or was combined with robbery by open violence. Regulation IX of the same year implemented the law of 'contumacy'. If a 'notorious' *dacoit* could not be apprehended, a proclamation was to be issued in which the suspect was summoned to present him or herself before the magistrate within two months. If the suspect did not do so, he or she would be deemed guilty of the crime and made liable to imprisonment and transportation for life.⁴

² Tapas Kumar Banerjee, *Background to Indian Criminal Law* (Calcutta, R. Cambray & Co. Private Ltd: 1990), pp.301-7.

³ Jorg Fisch, *Cheap Lives and Dear Limbs: The British Transformation of the Bengal Criminal Law, 1769-1817* (Wiesbaden, Franz Steiner Verlag: 1983), pp.53, 61 & 72.

⁴ Fisch, *Cheap Lives*, p.74. After a case in 1821, it was discovered that this regulation contained a loophole. Those apprehended after the two month period prescribed by the proclamation could only be tried for contumacy, and not for a specific offence of *dacoity*. Thus they could only be transported for life, not sentenced to death as they would have been if liable to the specific crime. This was

The number of persons sentenced to transportation increased considerably after 1808. Convicts were regularly shipped to the penal settlements in Bencoolen and Pinang. However, by 1811 the policy of transportation was seen as inefficient. Firstly, as a result of delays in implementing sentences, convicts frequently escaped from *zillah* (district) and city jails and from public work gangs. Secondly, transportation was perceived as relatively expensive. Thirdly, a number of escaped convicts returned to Bengal and spoke about their experiences in the penal settlements. The authorities believed that this removed the fear of transportation as 'an unknown' which had once existed. The erection of a new jail at Alipore, in the suburbs of Calcutta, also made the need to transport offenders less imperative, as it removed pressure from the *zillah* jails. All persons sentenced to transportation went there, to await shipment, immediately after their trial.⁵

Thus in 1811, all the regulations concerning transportation were repealed and it was decided that all those who would have been transported were to be imprisoned for life in Alipore jail instead.⁶ Within just two years, as the jail became overcrowded and the fiscal implications of imprisoning relatively large numbers of offenders came to the fore, however, transportation was reintroduced. In 1813 the shipping of convicts to any of the East India Company settlements in Asia was legalised again.⁷ On May 18th 1816, these regulations were extended to allow the transportation of convicts to the island of Mauritius and its dependencies, their employment there, 'and the removal of them to any other place, if there should be occasion for it'.⁸

amended by Regulation V (1822). PP 1824 XXIII. Regulation V (Bengal) 1808: A Regulation for amending certain provisions of Regulation IX, 13th June 1822.

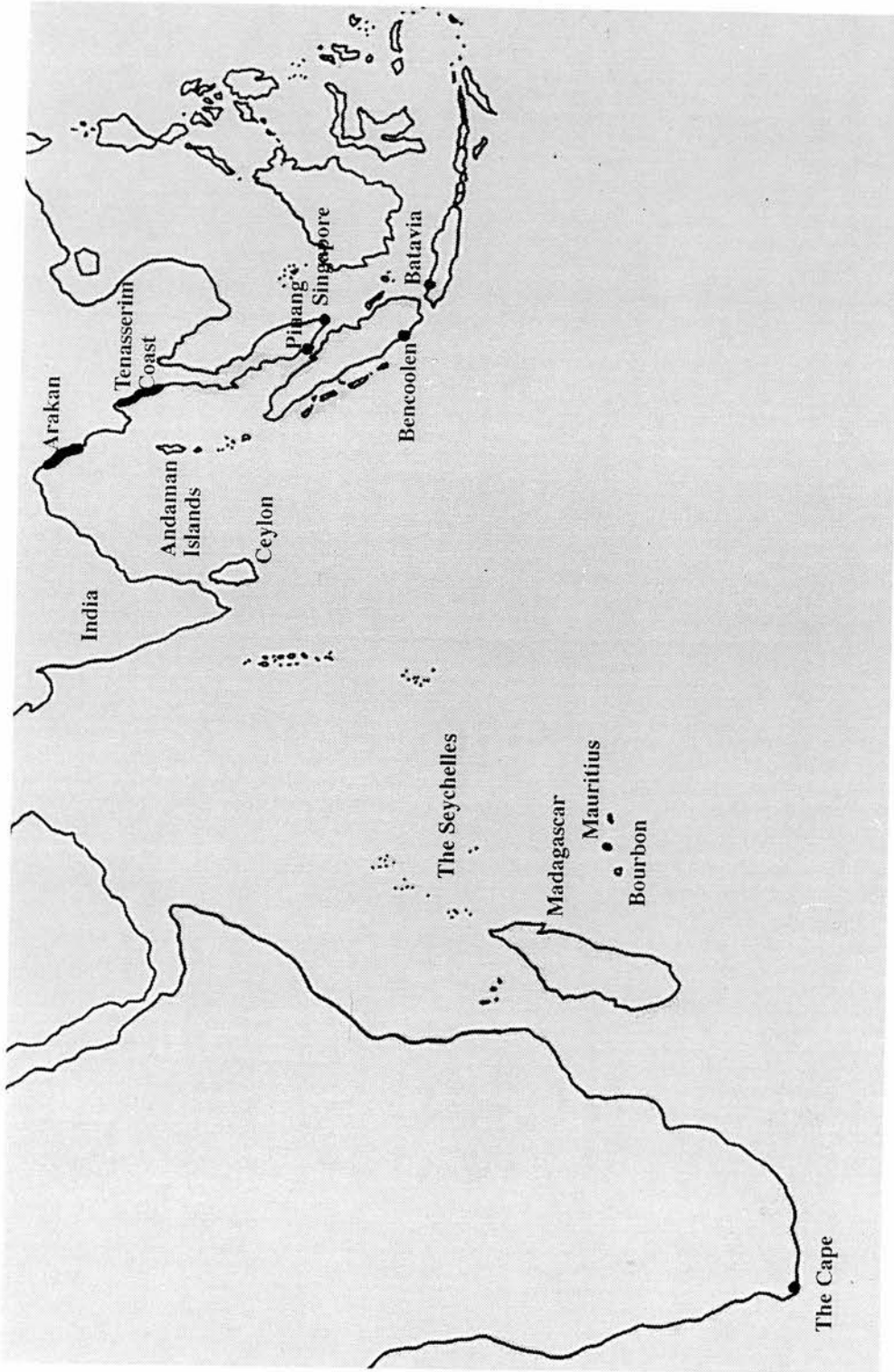
⁵ Banerjee, *Background*, pp.93-4 & 362.

⁶ Resolution of the Government at Fort William, BenC&J, 10th December 1811, quoted in Banerjee, *Background*, pp.94-5.

⁷ Clause Third, Section II, Regulation IX, 1813, quoted in Fisch, *Cheap Lives*, p.78.

⁸ PP 1819 XIII. Papers relating to East India Affairs: Viz. Regulations Passed by the Governments of Bengal, Fort St. George and Bombay, in the Year 1816: Regulation XV, 18th May 1816.

Map III



Mauritius, the Indian Ocean and penal settlements in Southeast Asia.

After this date, the Bengal regulations were extended by Regulation XVII (1817) which made burglary, theft and robbery punishable by transportation for life, if the offences involved actual wounding or maiming or were combined with robbery by open violence. Those escaping from transportation for life were to be punished with capital punishment and those who escaped from transportation for a term of years were made liable to retransportation. Arson of a dwelling-house (where robbery with open violence was involved) was also made punishable by transportation for life. Persons convicted of robbery by open violence (whether or not accompanied with wounding or other injury), attempted or actual burglary or theft, robbery (accompanied with an attempt to commit wilful murder by wounding, burning, strangling, poisoning or throwing into a well) or robbery accompanied with corporal injury 'in such a degree to endanger life' were also to receive thirty-nine lashes with a *corah* and be transported for life.⁹

In 1827 the Bombay Presidency was formed. The new Code of Regulations there followed the Bengal pattern in framing the procedures for the courts in the Presidency. A Supreme Court was also set up, invested with the same powers and authority as the *sadr nizamat adalat* in Bengal.¹⁰ Transportation was thus opened as a penal option. As in Bengal, the selection of places of transportation by the courts was not provided for in the regulations, with decisions in that respect resting with the government. The main difference was that, in Bombay, sentences of transportation passed by the provincial courts could only be for life, or if passed by the Supreme Court itself, for life or a term of years.¹¹

⁹ PP 1819 XIII. Regulation XVII (Bengal) 1817: A Regulation to provide for the more effectual administration of criminal justice in certain cases, 16th September 1817. See also Fisch, *Cheap Lives*, pp.73 & 95.

¹⁰ Teresa Albuquerque, *Bombay: A History* (New Delhi, Rashna & Co.: 1992), pp.59-60 and PP 1829 XXIII. Regulation I (Bombay): A Regulation for forming into a regular Code all rules that may be enacted for the internal Government of the territories subordinate to the Presidency of Bombay, 1st January 1827.

¹¹ IOL P.401.32. Memorandum by the Secretary (J.P. Willoughby), 10th August 1836. BomC&J, 21st September 1836.

Transportation as a 'humanist' punishment

Michel Foucault contends that in Western Europe during the eighteenth century there was a move away from the concept of 'sovereign torture' criminal justice, which sought to take revenge, and towards a 'humanist' view that criminal justice should 'simply punish'.¹² One commentator notes how at the end of the eighteenth century, punishment in the Bengal Presidency still included 'sovereign torture' in the form of impaling, mutilation, hanging, drowning and flogging. Quoting from *The Calcutta Chronicle* of February 19th 1789, he describes the punishment of a *dacoit* near Calcutta:

One of the dacoits was extended upon his back, with a fillet or band covering his mouth, and tied at the back of his head, to prevent his cries being heard by the others, who were witnesses of the fate they were themselves to experience. He was then pinioned to the ground with only his right hand and left leg at liberty. This done, the operator began to amputate the hand. It was performed with an instrument like a carving knife, not at a stroke, but cutting and hacking round about the wrist, to find out the joint; and in about three minutes the hand was off. The same mode was observed in amputating the foot at the ankle joint. Both operations took up together from six to eight minutes in performing. After the hand and foot were off, the extremities of the wounded parts were dipped in boiling ghee; and then he was left to his fate.¹³

Later in 1790 the punishment of mutilation was abolished by the East India Company. This move could be interpreted as part of the shift away from what has been termed the 'spectacle of the scaffold', an enactment of power as both an act of revenge and an art.¹⁴

The motivation for this shift towards what has been referred to as a 'humanist' penal strategy, it is argued, lay in the enlightenment philosophy of the social contract which implied that punishment should not be arbitrary in order that it could act as a

¹² Foucault, *Discipline & Punish*, p.74.

¹³ Banerjee, *Background*, pp.298-9.

¹⁴ Dreyfus & Rabinow, *Michel Foucault*, p.146.

deterrent. Evidently, such non-arbitrary punishment relied upon a precise knowledge of particular instances of crime and criminality, as 'the appropriate application of correct punishment required an object who was fixed as an individual and known in great detail'.¹⁵ This humanist imperative thus produced 'a sort of general recipe for the exercise of power over men', with the 'mind' as a surface of inscription of power on the body.¹⁶ The ideal form of punishment for humanists was the performance of public works. Here, the convict paid twice for his crime: 'by the labour he provides and by the signs he produces'. In other words, those punished on public works became 'a focus of profit and signification', economically useful and at the same time providing a lesson for the general population, as all of society became a theatre of punishment.¹⁷

Transportation was a penal strategy which was developed as a humanist punishment. The basis of transportation itself was, essentially, the inter-spatial displacement of convict bodies and, in a very real sense, it produced those bodies as penal signs. In Bengal, it was ordered that in all cases in which a sentence of transportation was passed by the courts after 1802, the convict's forehead should be tattooed by a process named *godena*. This involved the use of very sharp sticks dipped in dye. During the early nineteenth century, life convicts in Bengal were supposed to be tattooed on the forehead with the crime they had committed, the date of their conviction and sentence, written in the language of the district in which they had been tried. It was said that the object of the enactment was to facilitate the reaprehension of convicts who attempted to escape from transportation.¹⁸ The practice was not completely abolished until 1849.¹⁹

¹⁵ Dreyfus & Rabinow, *Michel Foucault*, p.149.

¹⁶ Foucault, *Discipline & Punish*, p.102.

¹⁷ Foucault, *Discipline & Punish*, p.109.

¹⁸ IOL P.403.19. Circular Orders of the Judicial Department, 1st May 1815 & 29th May 1816. BomC&J, 21st June 1843.

¹⁹ David Arnold, 'The Colonial Prison: Power, Knowledge, and Penology in 19th-Century India', in David Arnold & David Hardiman (eds), *Subaltern Studies VIII: Essays in Honour of Ranajit Guha* (New Delhi, Oxford University Press: 1994), p.161.

Within this colonial theatre of punishment, the nature of the labour performed by transported convicts, public works, was always decided on the basis of its economic utility. Thus convicts also became a 'focus of profit'. Indeed, colonial expansion necessitated a cheap and preferably controllable labour supply in order to build the infrastructure required for socio-economic development: unfree labour was both and was thus highly desirable.²⁰ It was not unusual, for example, to use slaves or *corvées* (unfree labourers) and prisoners to augment the labour employed on colonial public works schemes. The use of transported convicts was entirely consistent with these practices.

Race, caste, gender and transportation

Although transportation was clearly a humanist penal strategy, in the Indian context it was also bound up with British constructions of Indian socio-economic structures, particularly those relating to 'race', 'caste' and gender. Legal reforms in general, and the policy of transportation in particular, were an indisputable element in the 'civilising regime' of the British, which sought to ameliorate the 'oriental despotism' of the Indian 'other'.²¹ Integral to this regime was an opposition in the colonial imagination between western discourses of reason and natural rights, and supposedly backward and unchanging, but in reality invented, Indian 'traditions'.²² Islamic law was identified with its reputed and often exaggerated abuses and then replaced by a new 'humanistic' interpretation.²³ This process inevitably implied and counterpoised the timelessness of India against the 'modernising' Enlightenment project of the British. As Rosalind O'Hanlon points out, one aspect of this was the emergence of gender relations as a new means for the consolidation of social hierarchy.²⁴ The

²⁰ See Robert Miles, *Capitalism and Unfree Labour: Anomaly or Necessity?* (London, Tavistock: 1987), p.222.

²¹ Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge, Cambridge University Press: 1994), p.6.

²² Gyan Prakash, *Bonded Histories: Genealogies of Labor Servitude in Colonial India* (Cambridge, Cambridge University Press: 1990), pp.221-2.

²³ Fisch, *Cheap Lives*, pp.125 & 135.

²⁴ Rosalind O'Hanlon, *A Comparison Between Women and Men* (New Delhi, Oxford University Press: 1994), p.3.

practice of self-immolation, *sati*, for example, was perceived as a marker of the low status of Indian women. Its abolition in 1829 was thus a victory for the reforming colonial endeavour.²⁵ However, as another commentator has argued, 'colonial legal understandings were not strictly wrong, but they were arrested, frozen forms of representation'.²⁶

Transportation itself was also closely linked to British perceptions of Indian 'racial types'. It has been argued that the early nineteenth century witnessed the start of an historical shift away from a scientific emphasis on the physical and moral homogeneity of humankind and towards an emphasis on its essential heterogeneity. Now 'races' were perceived as clearly differentiated types.²⁷ In this context, climate was also perceived as racially formative. Thus the concept of the 'submissive, ineffectual Hindu' was created, with heat and humidity seen as 'conspiring to subvert manliness, resolve, and courage'.²⁸

The act of transporting Indians to the East India Company's Southeast Asian dependencies and the island of Mauritius reveals something about such beliefs. Despite the increasing importance of New South Wales as a receptacle for convicts from not only Great Britain but also other colonies, such as the West Indies and British North America, Indian convicts were never transported there directly from the Indian Presidencies. Although one suspects that this was at least partly a measure to prevent the growth of the non-white convict population there (the act excluded white Europeans born in India) its official justification was that the climate

²⁵ Lata Mani, 'The Production of An Official Discourse on *Sati* in Early Nineteenth Century Bengal', in Francis Baker et. al. (eds), *Europe and Its Others, Volume 1* (Colchester, University of Essex Press: 1984), pp.107-27.

²⁶ Michael R. Anderson, 'Islamic Law and the Colonial Encounter in British India', in David Arnold & Peter Robb (eds), *Institutions and Ideologies; A SOAS South Asia Reader* (Richmond, Curzon Press: 1993), p.180.

²⁷ Nancy Stepan, *The Idea of Race in Science: Great Britain, 1800-1960* (London, Macmillan: 1982), p.4.

²⁸ Metcalf, *Ideologies*, pp.9, 17, 93, 103-4 & 172. See also Ashis Nandy, *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (New Delhi, Oxford University Press: 1983), pp.31-4.

was 'unsuitable' for the Indian 'race'. No Indians could be transported anywhere more than thirty degrees north or twenty-five degrees south of the equator.²⁹

Transportation was also based on British understandings of Indian social structures, particularly caste. Caste, for the British, was a timeless, rigid institution which formed the basis of Indian social, economic and political life. Transportation was perceived as a particularly appropriate punishment for India's 'caste-based' society. It was argued that the innumerable evils of caste defilement associated in the minds of Indians with the crossing of the *kala pani* (the sea; literally 'black water') were more efficacious as a deterrent to crime than even the death sentence. It was commended in the 1780s by the Prison Discipline Committee as 'a weapon of tremendous power ... little short of the effect of a sentence of death'. Moreover, the effect of transportation on the whole community was believed to be *greater* than the death sentence.³⁰ During Lord Wellesley's Enquiry of 1801 to 1802, which questioned thirty-five magistrates in the districts, twenty-nine replies ascribed an enormous deterrence to transportation. The enquiry recommended that it be limited to those with life sentences, as it was the fear of the unknown and, moreover, the danger of caste defilement, which led to the terror in which it was held.³¹ At this time, it was widely believed that the transported convict became 'an absolute leper to his own kith and kin'.³²

Similarly, the British believed that as a result of the high esteem in which *brahmins* were held within the caste system, their execution might lead to protests. It was thus decided that *brahmins* sentenced to death should be transported instead, a measure

²⁹ IOL F.4.534. Extract Judicial Letter from Bengal, enclosing Act 53 George 3rd Cap 155-Sec 121, 7th October 1815.

³⁰ David Arnold, 'The Colonial Prison', p.175.

³¹ Fisch, *Cheap Lives*, pp.59-62.

³² H.L. Adam, *The Indian Criminal* (London, John Milne: 1909), p.52.

not in itself contrary to Hindu law.³³ In Benares (Varanasi) this was formalised in 1795. It was ordered that 'no Brahmin shall be punished with death' but be liable to transportation instead.³⁴ As Radhika Singha argues, 'such ideological flexibility was essentially aimed at ensuring social stability'.³⁵ The special exemption for *brahmins* from the death penalty in Benares was eventually abolished in 1817. Even after this date, however, the execution of a *brahmin* was not to take place on any ground 'held sacred by the Hindoos'.³⁶ When the Code of Regulations was framed in the Bombay Presidency in 1827, it was similarly decided that the death penalty would not be inflicted on *brahmins* 'where the religious feelings of the native community would be shocked thereby'.³⁷ The punishment of transportation, however, remained open as a penal option.

Sentences of transportation pronounced in the Indian Presidencies were also strongly gendered. Only a tiny minority of the total number of convicts transported overseas were women. In his correspondence with the Bengal Presidency, the first British Governor of Mauritius, Robert Farquhar, was initially concerned that 'the natural proportion of the sexes would be preserved as far as it may be found practicable'.³⁸ Sentences of transportation were not usually passed on Indian female offenders, however.³⁹ It was therefore proposed that on principles of 'policy and humanity' the criminal code might be altered to allow for the transportation of women to the island. The rationale for this was not concern with legal equality, but was based upon perceptions of male sexual imperatives and an essentialised vision of womanhood:

³³ N. Majumdar, *Justice and Police in Bengal, 1765-1793; A Study of the Nizamat in Decline* (Calcutta, Firma K.L. Mukhopadhyay: 1960), pp.236-43 & 329-31.

³⁴ Fisch, *Cheap Lives*, p.49.

³⁵ Radhika Singha, 'A "Despotism of Law": British Criminal Justice and Public Authority in North India, 1772-1837', unpublished Ph.D. thesis, Cambridge (1990), p.3.

³⁶ PP 1819 XIII. Regulation XVII (Bengal) 1817, 16th September 1817.

³⁷ PP 1829 XXIII. Regulation XIV (Bombay) 1827: A Regulation for defining crimes and offences and specifying the punishments to be inflicted for the same, 1st January 1827 (section iv, clause 5th).

³⁸ IOL E.4.695. Letter from Governor R.T. Farquhar to the Earl of Moira, Governor-General of India, 27th May 1815. BenD, 2nd February 1819.

³⁹ IOL E.4.695. Letter from the Earl of Moira to R.T. Farquhar, 11th September 1815. BenD, 2nd February 1819.

our transporting [male convicts] to a Country where they must necessarily be condemned to a perpetual state of celibacy, and denied the consolation in sickness and old age from the natural assiduous attention of the female Sex, appears to us inflicting a rigour beyond what the Law requires, and to which the Convicts sent to Bencoolen, and Prince of Wales Island are not subjected, for as we are satisfactorily informed, the Convicts at those places find females who associate with them.⁴⁰

Few women were actually transported from India at this time, however. The case of a woman sent to Singapore in 1825 is recorded.⁴¹ In 1827, there were only nine female convicts in that settlement, in comparison to 544 men.⁴² Similarly, very few convict women were transported to Mauritius. Just six Indian convict women were sent to the island, one each from Bengal and Ceylon and four from Bombay.

This, of course, was quite different from British criminal justice, which transported large numbers of female convicts to the Australian colonies.⁴³ As David Arnold notes, the reasons for the disparity in sentencing men and women in the Indian context are not altogether clear. He argues that it could suggest that either women did not commit the kinds of crimes (murder, *dacoity*, cattle-theft, and house-breaking) which most frequently brought male offenders before the courts, or that the women were treated more leniently by magistrates and judges.⁴⁴ On the latter point, Fisch quotes the case of *Mihrban & Others* (1821) in which a gang of 163 dacoits was rounded up. Five men died during the trial, one man was sent to an asylum and two were pardoned as informers. The leader was sentenced to death, twenty-eight men were sentenced to transportation for life and to receive thirty

⁴⁰ IOL E.4.695. Paragraphs 108 & 109. BenD, 2nd February 1819.

⁴¹ Banerjee, *Background*, p.304.

⁴² Walter Makepeace, Gilbert E. Brooke & Roland St. J. Braddell (eds), *One Hundred Years of Singapore; Being Some Account of the Capital of the Straits Settlements from its Foundation by Sir Stamford Raffles on the 6th February 1819* (London, John Murray: 1921), p.289.

⁴³ 25,000 (one-sixth) of the 160,000 convicts transported to the Australian colonies were women. See Alastair Davidson, *The Invisible State; The Formation of the Australian State 1788-1901* (Cambridge, Cambridge University Press: 1991), p.49.

⁴⁴ David Arnold, 'Dacoity and Rural Crime in Madras, 1860-1940', *Journal of Peasant Studies*, 6 (1979), pp.166-7.

stripes, whilst ninety-five received terms of imprisonment. The thirty-one women tried for the crime were discharged.⁴⁵

Governor Farquhar also clearly believed in the possibility of establishing convict settlements as a means to populate (and work on) the island.⁴⁶ As it became obvious that there was only a limited number of female convicts, he suggested that the male convicts' 'wives' or 'female connections' accompany them to Mauritius. Neither the women, nor their children, would be subject to labour. Both would receive rations from the Mauritian Government, in the case of children until they were able to gain their own livelihood.⁴⁷ His scheme was never introduced, however. In 1825, the new Governor, Sir Lowry Cole, again asked that the convicts' wives and families accompany them to Mauritius, with the expense of their maintenance to be borne by the Mauritian Government.⁴⁸ The Governor in Council stated that it was 'out of his power' to comply.⁴⁹ This policy was reaffirmed in 1826.⁵⁰ In 1828, the Commission of Eastern Enquiry repeated this suggestion, recommending that each convict should be given a fixed term of years during which he or she would perform public works. Following this, the convicts' families should join them to 'live freely in the neighbourhoods of the military posts', as 'by these means some useful settlements will be formed in the Colony'.⁵¹ Again, it was never implemented.

⁴⁵ Fisch, *Cheap Lives*, p.106.

⁴⁶ In an earlier pamphlet, *Suggestions, Arising from the Abolition of the African Slave Trade, for Supplying the Demands of the West India Colonies with Agricultural Labourers* (London, John Stockdale: 1807), Farquhar suggested that Chinese labourers be imported into the West Indies at the expense of the plantation owners who would, he argued, realise that it was in their own interest to pay their passage.

⁴⁷ IOL E.4.695. Paragraphs 112 & 113. BenD, 2nd February 1819.

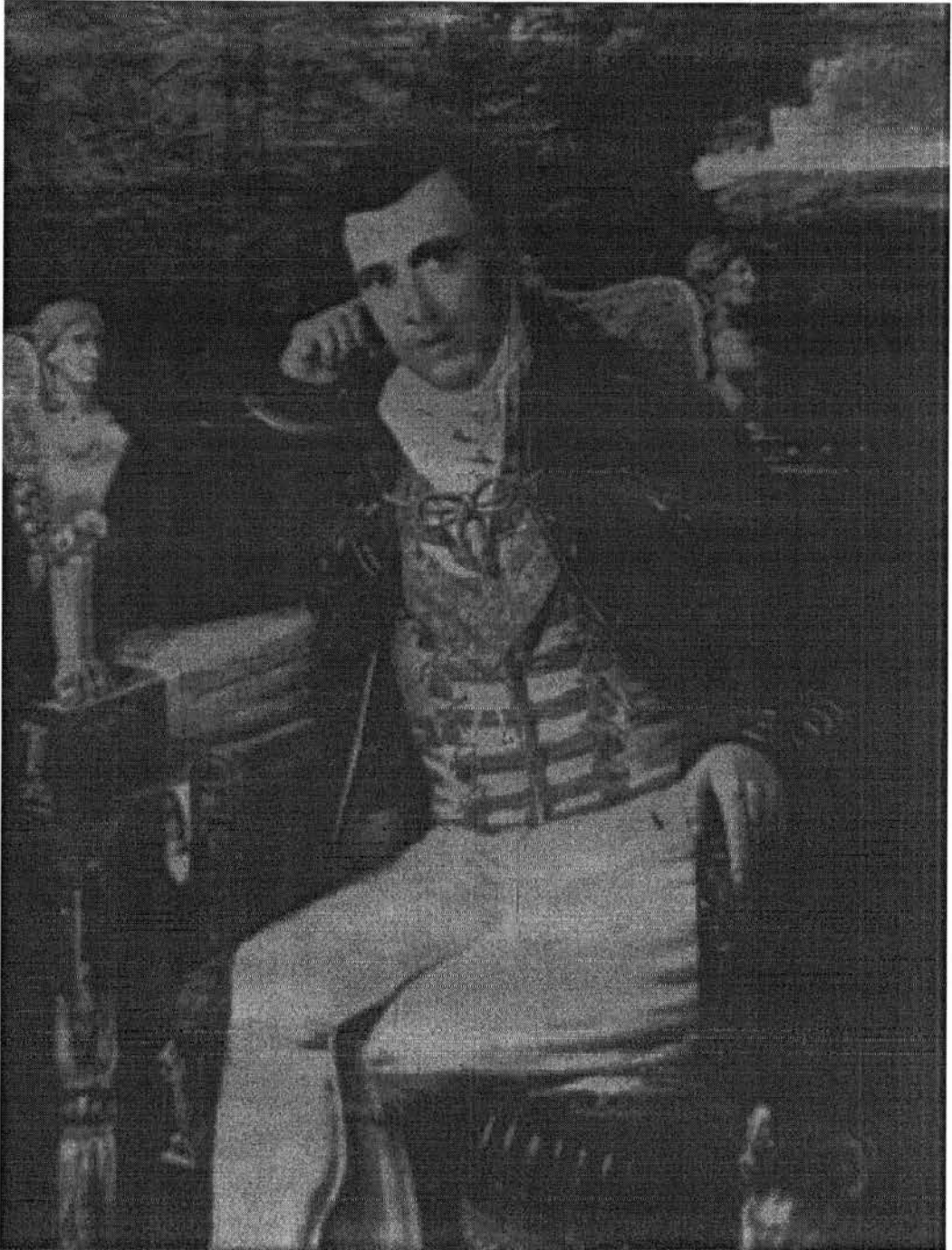
⁴⁸ MA RA301. Governor's Minute no.26, 19th February 1825.

⁴⁹ MA RA65. Letter from D. Greenhill, Acting Secretary to Government Bombay, to G.A. Barry, Secretary to Government Mauritius, 24th June 1825.

⁵⁰ MA RA65. Letter from D. Greenhill to G.A. Barry, 8th November 1826.

⁵¹ PRO CO167.123. Commissioners of Eastern Enquiry 1828: Departments of Government & Finance, 15th December 1828.

Plate I



Governor Robert Townsend Farquhar (1814-1823)
(MA)

Despite early concerns that women also be transported to the island or that the wives and families of the convicts accompany them, women were perceived as of little direct economic benefit to the colony. Humanist sensibilities precluded the possibility of putting female convicts to work on the roads. Upon receiving two from Bombay in 1834, the Mauritian Government complained that women were a burden on colonial finances and asked that no more be sent.⁵² Even though transportation was seen as an efficacious punishment in India, if it lacked economic utility in Mauritius, it was not wanted. Neither were the authorities in practice keen on encouraging the immigration of the convicts' families. The request by Meryum to accompany her husband Shaik Looffee (who had been sentenced to transportation for life to Mauritius for robbery) was rejected, for example, in 1831.⁵³

Convict agency and perceptions of caste defilement

In September 1815, Alipore jail was in a state of turmoil, with the prisoners refusing to work. The fragility of penal discipline there struck the Magistrate of the jail, John Eliot. He was baffled on how best to control the unruly inmates. They made several attempts on his life, and on that of the *subahdar* (native officer) of the guard, while he was at *puja* (prayer). At the same time, those awaiting transportation insisted this conferred privileges on them whilst still in Alipore:

An opinion has got among the Convicts, that those condemned to Transportation for life, the magistrate has no right to work them in the Allypore Jail, and it would seem, there are some foolhardy enough to avow, that nothing shall force them.

⁵² IOL P.401.3. Letter from G.F. Dick, Secretary to Government Mauritius, to W.H. Wathen, Secretary to Government Bombay, 17th September 1834. BomC&J, 17th September 1834.

⁵³ IOL P.400.45. Abstract of a Petition from Meryum Wife of Shaik Looffee of Malabar a convict, 1st May 1831 and letter from J. Bax, Secretary to Government Bombay, to Meryum, 19th May 1831. BomC&J, 25th May 1831.

Another insurrection took place in Alipore in October, when 230 prisoners under sentence of transportation again refused to work.⁵⁴ A few convicts instigated a further uprising in March 1816.⁵⁵ These riots, in which convicts destined for Mauritius were involved, may have contributed to the later image of their being sepoys who were tried for rebellion against the British. At the same time, they reveal how the convicts were using sentences of transportation to their own ends, claiming that it exempted them from prison labour. Such collective agency challenges British perceptions that convicts lived in passive fear of transportation. Instead, they used it as a means to resist the labour demands made on them.

Although there was evidently some truth in beliefs about the significance of caste and its implications for the 'pollution' of transported convicts, fear of caste defilement appear to have acquired a character of greater power within colonial perceptions than within Indian society itself. As Lucy Carroll has argued, in nineteenth-century India local manners and usages were 'made subject to the hegemony of textual law'. The practices of the courts gave legal status to a caste category and 'then exacted from this category a degree of cultural uniformity that simply did not exist'.⁵⁶

Nevertheless, there is evidence that a convict jumped overboard during the voyage of the *Helen*.⁵⁷ Eight other convicts due to be embarked on the *Lady Elliott* in January 1816 cut their irons in an attempted escape, two days before the ship left.⁵⁸ However, assumptions that these acts indicated the convicts' fear of caste 'pollution'

⁵⁴ IOL P.132.13. Letter from J. Eliot, Magistrate of Calcutta, to M.H. Turnbull, Registrar of the *nizamat adalat*, 18th September 1815. BenC&J, 7th November 1815.

⁵⁵ IOL P.132.20. List of convicts *per Union*, 19th March 1816. BenC&J, 22nd March 1816.

⁵⁶ Lucy Carroll, 'Colonial Perceptions of Indian Society and the Emergence of Caste(s) Associations', *The Journal of Asian Studies*, 37, 2 (February 1978), p.238.

⁵⁷ IOL P.132.20. Letter from J.A. Draper, Acting Deputy Secretary to Government Mauritius, to W.B. Bayley, Chief Secretary to Government Bengal, 16th December 1815. BenC&J, 8th March 1816.

⁵⁸ IOL P.132.15/19. Letters from J. Eliot to W.B. Bayley, 19th December 1815 & 22nd January 1816. BenC&J, 22nd December 1815 & 26th January 1816.

that transportation was said to entail may have been false. In another case, Nuthoo Moloo, a Bombay convict, was too ill to be embarked for Mauritius. When sentence was passed upon him, he:

took an oath to abstain from food; when however he had brought himself to the brink of the grave by voluntary starvation, he was induced to abandon his intention, and for the last ten days he has taken food as usual. However, he is very weak. I believe though that as soon as he is strong enough and arrangements are made to move him, the convict will resort to voluntary starvation, so great is his dread of undergoing the punishment awarded for the heinous crime of which he has been found guilty.⁵⁹

Mooloo's actions cannot simply be dismissed as unconnected with caste. However, his religious beliefs might have been compounded by other fears to which the official commentator was blind. Thus official speculation concerning Mooloo's motives for refusing food is indicative of colonial discourse rather than the full facts of the case. As with the Bengal convicts who attempted to break jail before embarkation and the convict who jumped overboard, one might contend that Moloo's alleged 'great dread' of transportation says at least as much about orientalist perceptions of the rigidity of the caste system as Indian 'beliefs' concerning the 'pollution' entailed in crossing the *kala pani*. Although Mooloo's hunger strike may indicate his dread of transportation, the case is not as clear-cut as official sources represent it to be.

Evidence to the contrary may be found in the fact that, by the late 1820s, many convicts held in Alipore jail were petitioning for commutation of their sentences of life imprisonment to transportation. This led to the passing of Regulation I in April 1828, which provided that any convict in Alipore jail sentenced to imprisonment for life, who wished to obtain a commutation to transportation for life, should:

⁵⁹ IOL P.400.73. Letter from J.P. Willoughby, Political Agent in Kattywar (Gujarat), to C. Norris, Secretary to Government Bombay, 10th March 1834. BomC&J, 2nd April 1834.

make known his wishes to that effect, either verbally or in writing, to the superintendent or other officer in charge of the gaol, who shall call such convict before him, and after taking down his request in writing, to be signed by the said convict and attested by two or more respectable persons, shall report the case for the orders of Government, stating at the same time any objections which in his opinion may exist to the commutation of the sentence, on account of the dangerous character of the convict, or other circumstances.

Subject to approval, petitioners would be transported like other convicts sentenced to life transportation.⁶⁰ Within a month, over 150 men had petitioned for such commutations.⁶¹ Motives were probably various. Prison conditions may have been horrific. Some prisoners may have lost connections with their former communities through their imprisonment, removing many caste anxieties. However, the volume of commutation petitions following challenges British assertions that the terror of transportation lay in Indian attachment to caste and their horror of 'pollution'. In this circumstance, each petition signified, at least to some extent, the erroneous nature of colonial knowledge. Prisoners, although colonial subjects, became active agents within the web of power relations and exercised some influence over their fate.⁶²

Contradictory colonial agendas in the transportation of convicts

Robert Townsend Farquhar was appointed to the position of Governor of Mauritius after the Ile de France was ceded to the British by the Treaty of Paris in 1814. As he had several years experience as Lieutenant-Governor of Pulau Pinang, he was well aware of the potential utility of Indian convict labour in private enterprise and public

⁶⁰ PP 1830 XXVIII. A Regulation for empowering the Governor-General to commute Sentences of Imprisonment for Life in the Allypore Gaol, to Transportation for Life to any of the British Settlements in Asia, in certain cases, 10th April 1828.

⁶¹ MA RA341. Letter from J. Master, Superintendent of Alipore Jail, to H. Shakespear, Chief Secretary to Government Bengal, 27th May 1828.

⁶² Just under half of the 1828 petitioners were sent to the convict settlements on the Malacca Straits (Singapore and the Tenasserim Coast) or Arakan (part of the area which later became Burma). The remaining eighty were selected for Mauritius and embarked on the ships *Lord Amherst* and *Reliance*. IOL P.138.65. Letter from J. Master to H. Shakespear, 19th June 1828. BenC&J, 19th June 1828.

works projects.⁶³ Indeed, he subsequently wrote of the 'happy results of [the convicts'] extensive employment' in Pinang.⁶⁴ It is unsurprising therefore that, shortly after his arrival in Mauritius, Farquhar wrote to the Governor-General of India, the Earl of Moira, requesting a supply of Indian convicts to meet the labour shortage on public works projects there.⁶⁵

At the time of Farquhar's request, the administration was using government slaves on public works projects, largely clearing the streets of Port Louis and building or repairing roads. These slaves had either been 'inherited' from the French administration, or were 'prize negroes', seized from slave ships captured by the British in their limited attempts to suppress the slave trade.⁶⁶ In addition, each 'inhabitant' was obliged to furnish a certain number of slaves, proportionate to the number they owned, as *corvée* labour on a scale of four days labour *per* slave *per* year.⁶⁷ This labour supply was hopelessly inadequate. Mauritius was regularly battered by cyclones. Heavy seasonal rainfall also damaged communications. Moreover, the slave trade had been abolished by the British in 1808, which led to a decline in the number of slaves on the island. Farquhar wrote of the subsequent rise in labour costs:

⁶³ Sandu, *Indians in Malaya*, pp.132-40; Sandu, 'Tamil and Other Indian Convicts', p.203; and, Rajendra, 'Transmarine Convicts', pp.510-1.

⁶⁴ PRO CO167.41. Despatch from R.T. Farquhar to Lord Bathurst, Secretary of State for the Colonies, 18th July 1818, enclosing a Minute on the Employment of Convicts from India.

⁶⁵ IOL F.4.534. Letter from R.T. Farquhar to the Earl of Moira, 20th September 1814. BenD, 29th December 1814.

⁶⁶ See Anthony J. Barker, 'Distorting the Record of Slavery & Abolition: The British Anti-Slavery Society Movement & Mauritius, 1826-37', *Slavery & Abolition*, 14, 3 (December 1993), pp.185-207; Anthony J. Barker, *Slavery and Antislavery in Mauritius, 1810-33*; *The Conflict Between Economic Expansion and Humanitarian Reform Under British Rule*, (London, Macmillan: 1996); and, Moses D.E. Nwulia, *The History of Slavery in Mauritius and the Seychelles, 1810-1875* (New Jersey, Associated University Presses: 1981), p.71.

⁶⁷ The term 'inhabitant' signifies the planter interest in Mauritius. It is significant that only those who owned land were given this status.

The blank which must be occasioned in our labouring population by the operation of the Slave Trade abolition acts, until the disproportion of the sexes which is three to one is equalized in the progress of nature, must be productive of much distress to this Colony, unless some substitute be found to fill the chasm. Labour now is disproportionately dear, or, in the language of economists, bears a monopoly price. The benefit, therefore, of any measure which would increase the quantum of labouring hands, would be appreciated by the inhabitants to the fullest extent.⁶⁸

Farquhar's request was, then, not simply predicated upon the 'want of working hands' in the colony, but was clearly related to British attempts to win favour from a potentially hostile and yet labour-hungry French community. The introduction of a new supply of relatively cheap, controllable labour was one way in which this could be assured.⁶⁹ Transportation, it was said, would be 'appreciated by the inhabitants to the fullest extent'.

Given the Mauritian Government's desire for a labour force, the basis of its later demands for convicts was always economic. The authorities were extremely concerned that convicts sent to the island should be young, fit, skilled males and not dangerous offenders. This eventually led to attempts to enforce an element of 'quality control' in the selection of convicts for transportation. In Bengal, fiscal imperatives were also important, with the expense of maintaining a large prison population a serious consideration in the decision to reintroduce transportation in 1813. However, an equal concern of the authorities there and later in Bombay was to get rid of dangerous offenders. Transportation from the Indian Presidencies to Mauritius eventually foundered on this clash between contradictory agendas: what Mauritius wanted and what the Presidencies were able and/or willing to supply.

⁶⁸ IOL F.4.534. Letter from R.T. Farquhar to the Earl of Moira, 20th September 1814. BenD, 29th December 1814.

⁶⁹ Similarly, it has been argued that, in attempting to establish political authority, Farquhar connived with French planters to allow an illegal slave trade to continue in Mauritius. See Barker, *Slavery and Antislavery*.

FIGURE I.I
CONVICT SHIPS FROM BENGAL, 1815-1828

Date of departure	Name of ship	No. of convicts embarked
10th September 1815	Lady Barlow	130
10th September 1815	Helen	106
25th September 1815	Charlotte	15
5th October 1815	Po	40
20th October 1815	Susan	32
31st October 1815	Lady Sophia	40
11th November 1815	Greyhound	40
22nd January 1816	Lady Elliott	41
16th February 1816	Lord Minto	40
19th March 1816	Union	16
26th April 1816	Po	12
21st July 1816	Swallow	27
15th September 1816	Union	14
27th September 1816	Jessie	25
16th December 1816	Greyhound	16
24th December 1816	Friendship	6
8th January 1817	Friendship	5
12th February 1817	Magnet	40
28th February 1817	Ceres	25
21st April 1817	Union	32
15th June 1817	John Bull	5
23rd July 1817	Charlotte	40
30th August 1817	Ruby	38
17th September 1817	Union	26
14th October 1817	Magnet	24
26th November 1817	Friendship	36
27th January 1818	Anna Robertson	31
19th June 1828	Lord Amherst	40
19th June 1828	Reliance	39
Total		981

Source: convict ship indents (IOL P.BenC&J series).

In 1814 Governor Farquhar submitted a proposal for the transportation of between 1500 and 2000 men.⁷⁰ However, at this time, there was only a limited number of convicts awaiting transportation in Alipore jail near Calcutta.⁷¹ Farquhar promptly scaled down his request to 500 convicts, a request to which the Court of Directors agreed.⁷² The first contingent embarked from Bengal in September 1815 with the

⁷⁰ IOL F.4.534. Letter from R.T. Farquhar to the Earl of Moira, 20th September 1814. BenD, 29th December 1814.

⁷¹ IOL F.4.534. Letter from N.B. Edmonstone, Vice-President in Council, to R.T. Farquhar, 29th December 1814. BenD, 29th December 1814.

⁷² IOL F.4.534. Letter from R.T. Farquhar to the Earl of Moira, 6th April 1815. BenD, 29th December 1814.

premise that in future other Bengal 'lifers' would be sent to the island.⁷³ The Bengal authorities succeeded in imposing the doctrine that the transportation of convicts to Mauritius was solely of benefit to the island. By agreement between the two governments, shipping costs and subsequent costs of food, clothing and medical care for the convicts in Mauritius, were made a Mauritian responsibility.⁷⁴

At the same time, John Eliot was describing the convicts as 'a great proportion of the most hardened and desperate convicts from the various districts under the Presidency'.⁷⁵ As has been seen, Alipore had been the scene of convict riots. In 1815, Eliot feared that he was unable to control the jail.⁷⁶ The Superintendent of the Convict Department in Mauritius, Captain Francis Rossi, later wrote:

I was in Bengal at the time the insurrection alluded to took place, and the danger appeared of so great a magnitude to Government, that the Brigade of European Troops under General, then Colonel, Keating, was sent from Fort William to the Jail at Allypore, to quell that Insurrection which they accomplished by firing from the tops of the walls amongst the Convicts in the Prison yard, by which many of them were killed and wounded ... and so great was the apprehension of these men, that their chains were by order of the Bengal Government kept upon them during the whole of the voyage [to Mauritius].⁷⁷

The Bengal Judicial Department was more than willing to get rid of such 'turbulent characters', when Farquhar obliged by asking for them as soon as possible.⁷⁸ In practice, the 'benefits' of this arrangement were by no means one-sided.

⁷³ IOL F.4.534. Letter from N.B. Edmonstone to R.T. Farquhar, 29th December 1814. BenD, 29th December 1814.

⁷⁴ IOL E.4.695. Paragraph 111. BenD, 2nd February 1819.

⁷⁵ IOL P.131.59. Letter from J. Eliot to W.B. Bayley, 17th April 1815. BenC&J, 18th April 1815.

⁷⁶ IOL P.132.13. Letter from J. Eliot to M.H. Turnbull, 18th September 1815. BenC&J, 7th November 1815.

⁷⁷ MA RA137. Letter from F. Rossi, Head of Convict Department, to G.A. Barry, 5th June 1820.

⁷⁸ IOL P.132.1. Letter from R.T. Farquhar to the Earl of Moira, 6th April 1815. BenC&J, 23rd May 1815.

The first 236 convicts were transported to Mauritius in September 1815, on board the ships *Lady Barlow* and *Helen*, accompanied by sixty-six European troops.⁷⁹ Subsequently, the maximum number of convicts embarked on any ship was reduced to forty, as with convicts transported to other East India Company settlements in Southeast Asia. Thus the military guard could be dispensed with and costs reduced.⁸⁰ The next convict ship, the *Charlotte*, embarked with fifteen convicts.⁸¹ Four other ships left the Bengal Presidency before the end of 1815, arriving in Mauritius in early 1816. These were the *Po*, *Lady Sophia*, *Greyhound* and *Susan*.⁸² By November 1815, all the convicts under sentence of transportation for life in Alipore jail had been sent to Mauritius, except for nine who were 'aged and too sickly'.⁸³ Of course the jail continued to receive further 'lifers'. At the beginning of 1816, another contingent was embarked for Mauritius on board the *Lady Elliott*.⁸⁴ Later that year, more convicts were transported on the *Lord Minto* and *Union*.⁸⁵ More convicts were subsequently embarked on the *Po*, *Swallow*, *Union*, *Jessie*,

⁷⁹ IOL F.4.534. Letter from C.W. Gardiner, Secretary to Government Military Department, to Major General Sir Robert Blair, Commanding at the Presidency, 8th September 1815, enclosing list of convicts *per Lady Barlow* and *Helen*. Thirty soldiers went on the *Lady Barlow*, and thirty-six on the *Helen*. Extract Military Department Proceedings, 8th September 1815. See figure I.i on the total number of convicts transported from the Bengal Presidency.

⁸⁰ IOL F.4.534. Letter from W.B. Bayley to J. Eliot, 20th September 1815. BenD, 20th September 1815.

⁸¹ IOL P132.9. List of convicts *per Charlotte*, 25th September 1815. BenC&J, 27th September 1815.

⁸² IOL P.132.12/13. Lists of convicts *per Po*, *Lady Sophia*, *Greyhound* and *Susan*, 5th, 20th & 31st October & 11th November 1815. BenC&J, 28th October & 7th, 14th & 20th November 1815.

⁸³ IOL P.132.19. List of convicts *per Lady Elliott*, 22nd January 1816. BenC&J, 26th January 1816.

⁸⁴ IOL P.132.15. Letter from J. Eliot to W.B. Bayley, 19th December 1815. BenC&J, 22nd December 1815. Forty-one convicts were transported on the *Lady Elliott*. The magistrate 'deemed it prudent' to embark the one extra convict, despite the regulations, as he was the only other convict awaiting transportation at Alipore.

⁸⁵ IOL P.132.20. List of convicts *per Lord Minto* and *Union*, 16th February & 19th March 1816. BenC&J, 16th February & 22nd March 1816.

Greyhound and *Friendship*.⁸⁶ Ten more convict ships left for Mauritius in 1817.⁸⁷ Another departed at the beginning of 1818.⁸⁸

In 1816, Port Louis, the Mauritian capital, was almost completely destroyed by fire. Under the expense of rebuilding the town, doubts were raised that the government could afford to ration the convicts. Indeed Farquhar threatened that if the Governor-General of India did not agree to take over this burden, the convicts would have to be returned.⁸⁹ Meanwhile, no more should be sent to the island.⁹⁰ The Board of Control predictably threw the original agreement back at him, although it did agree to end transportation to Mauritius. The Bengal Judicial Department subsequently decided that all those under sentence of transportation in Alipore jail would be sent to the convict settlements at Pinang and Bencoolen.⁹¹ The moral was clear. If the East India Company could not transport Bengal convicts cost free, it would reserve them for its own settlements in Southeast Asia.

The Department of Roads and Bridges in Mauritius calculated that 902 convicts were sent from Bengal between 1815 and 1818. Twenty-five died at sea (2.8%), 877

⁸⁶ IOL P.132.24/29/32/34/37. Lists of convicts *per Po, Swallow, Union, Jessie and Friendship*, 26th April, 21st July, 15th & 27th September & 24th December 1816. BenC&J, 3rd May, 22nd July, 20th September, 4th October & 27th December 1816 and IOL P132.34. Letter from J. Eliot to W.B. Bayley, 16th December 1816. BenC&J, 16th December 1816. The *Greyhound* is the only Bengal ship with no surviving indent, apart from the *Lord Amherst* and *Reliance*.

⁸⁷ IOL P.132.52/56/57/59/61/63/64/65/133.2. Lists of convicts *per Friendship, Magnet, Ceres, Union, John Bull, Charlotte, Ruby, Union, Magnet and Friendship*, 8th January, 12th & 28th February, 21st April, 15th June, 23rd July, 30th August, 17th September, 14th October & 26th November 1817. BenC&J, 8th January, 12th February, 12th March, 25th April, 20th June, 29th July, 2nd September, 23rd September, 14th October & 26th November 1817.

⁸⁸ IOL P.133.20. Letter from J. Eliot to W.B. Bayley, 27th January 1818. BenC&J, 27th January 1818; MA RA102. Letter from F. Rossi to G.A. Barry, 16th January 1818; and, MA RA104. Letter from F. Rossi to G.A. Barry, 9th March 1818.

⁸⁹ IOL P.133.22. Letter from R.T. Farquhar to Marquis Hastings, 28th October 1817. BenC&J, 10th March 1818.

⁹⁰ IOL P.133.22. Letter from R.T. Farquhar to Marquis Hastings, 10th November 1817. BenC&J, 10th March 1818.

⁹¹ IOL P.133.24. Letter from W.B. Bayley to C.R. Barwell, Acting Magistrate of the Suburbs of Calcutta, 6th April 1818. BenC&J, 14th April 1818.

arrived.⁹² Such mortality rates were slightly higher than those of indentured Indian immigrants who were later shipped from Calcutta to Mauritius, which have been calculated at between 1-2%.⁹³ They were also higher than death rates on board convict ships to Australia. It has been estimated that for the whole transportation period (1788 to 1868), the mortality rate was less than 1.8%. For the period 1821 to 1840, it was only 1.5%.⁹⁴

FIGURE I.II
CONVICT DEATH RATES IN MAURITIUS, 1815-1826

Year	No. of convicts at start of year	No. of deaths	Total remaining
1815	325	9	316
1816	580	53	527
1817	781	59	723
1818	790	55	735
1819	735	49	686
1820	686	23	663
1821	663	14	649
1822	649	10	639
1823	639	21	618
1824	618	17	601
1825	601	18	582
1826	582	17	565

Source: IOL P.139.32 Numerical Return of Bengal Convicts showing the Casualties that have occurred from the year 1815 to 31st July 1829 inclusive, Department of Roads & Bridges, 31st July 1829. BenC&J, 20th October 1829. There is little data on convict death rates after 1830, with no returns printed between 1837 and 1840. Returns after 1841 are also incomplete.

A number of convicts died during the Mauritian cholera epidemic of 1816 to 1817. Death rates amongst the colony's convicts remained relatively high until 1820.⁹⁵ An 1829 return indicates convict mortality in Mauritius at between 7-9% a year during the first five years of transportation. This rate only declined in 1823, when it fell to

⁹² IOL P.139.32. Numerical Return of Bengal Convicts showing the Casualties that have occurred from the year 1815 to 31st July 1829 inclusive, Department of Roads & Bridges Mauritius, 31st July 1829. BenC&J, 20th October 1829.

⁹³ Carter, *Servants, Sirdars & Settlers*, pp.133-4.

⁹⁴ Stephen Nicholas & Peter R. Shergold, 'Convicts As Migrants', in Nicholas (ed.), *Convict Workers*, p.47.

⁹⁵ Albert Pitot, *L'Ile Maurice: Esquisses Historiques, Vol. I (1810-1823)* (Port Louis, Coignet Frères & Cie: 1910), p.187.

3%.⁹⁶ Again, indentured labour followed the convict mortality pattern, though with higher death rates. Approximately 14% of adult male migrants died within five years of arrival in Mauritius. Thereafter, survival rates improved dramatically.⁹⁷

FIGURE I.III
SENTENCES OF THE BENGAL PRESIDENCY *NIZAMAT ADALAT*, 1816-1827

Year	Sentences of transportation/ imprisonment for life
1816	297
1817	291
1818	260
1819	353
1820	322
1821	278
1822	167
1823	125
1824	156
1825	129
1826	176
1827	154

Source: PP (1831-2) XII. Sentences of the *Nizamat Adalat*, 1816-1827.

By 1820, the financial crisis, caused by the 1816 Port Louis fire, was over. As a result of cessation of supply and convict mortality, convict numbers were dwindling. Farquhar now requested fresh convicts and, in a clear allusion to the *type* of convicts required, asked for 'young in preference to old men', from Bengal.⁹⁸ In 1821, he informed Calcutta that the fall in convict numbers had become 'a matter of urgency'. The Bengal authorities then agreed to recommence supply on the original 1815 terms.⁹⁹ Nevertheless, none were transported to Mauritius for six years. It is unclear why. True, the number sentenced to transportation or imprisonment for life in Bengal was falling during this period.¹⁰⁰ Perhaps as a result of displeasure at the

⁹⁶ See figure I.ii.

⁹⁷ Marina Carter, *Voices from Indenture; Experiences of Indian Migrants in the British Empire* (London, Leicester University Press: 1996), p.51.

⁹⁸ MA RA168. Letter from R.T. Farquhar to Marquis Hastings, 31st August 1820.

⁹⁹ IOL P.134.64. Letter from G.A. Barry to W.B. Bayley, 3rd October 1821 and its reply of 27th November 1821. BenC&J, 27th November 1821.

¹⁰⁰ See figure I.iii.

demands which the Mauritian government had made on them, the East India Company evidently chose to send a dwindling supply to its own dependencies in Southeast Asia.

In 1825, Farquhar, now back in Mauritius as Governor for a second term (1820 to 1823), repeated his request for Indian convicts, now suggesting that convicts be transported from Bombay, Madras, or both. The 'quality' of the convict supply remained an issue, as he asked for:

two hundred stout able-bodied male convicts capable of being employed on the Roads and not exceeding 35 years of age, and of whom it is desirable that as many as possible should be artificers, such as masons, carpenters [and] smiths.¹⁰¹

He also requested information on 'the best class of such persons, in a moral and physical point of view' obtainable, bearing in mind that they would be employed on the roads.¹⁰² The kind of man *not* wanted was also defined:

convicts who are not capable of working on the roads or as artificers would be of no use to this Government, and from the state and situation of the Colony, it is desirable that none of very infamous character (who have been convicted of atrocious crimes) should be sent here.¹⁰³

The Madras Government declined to oblige, as it only ever passed sentences of transportation on 'men convicted of atrocious crimes'.¹⁰⁴

¹⁰¹ IOL P.136.65. Letter from G.A. Barry to W.B. Bayley, 21st February 1825. BomC&J, 5th May 1825.

¹⁰² IOL P.399.47. Letter from G.A. Barry to W.B. Bayley, 21st February 1825. BomC&J, 29th June 1825.

¹⁰³ IOL P.324.3. Letter from G.A. Barry to J.M. Macleod, Secretary to Government Fort St. George, 14th June 1825. MJC, 20th December 1825.

¹⁰⁴ IOL P.324.3. Letter from J. Stokes, Secretary to Government Fort St. George, to G.A. Barry, 20th December 1825. MJC, 20th December 1825.

The Bombay authorities were a little more forthcoming. Those of its convicts sentenced to transportation over the next year (1826), who fulfilled Farquhar's specifications, would be sent to Mauritius. Meanwhile, all Bombay Presidency convicts sentenced to transportation beyond the seas were placed in the criminal prison at Tannah to await embarkation.¹⁰⁵ The mere sixteen convicts initially available were despatched on board the *Constance* late in 1826.¹⁰⁶ Upon arrival, the Mauritian authorities found that thirteen of them were murderers, a category of prisoner firmly not wanted. They protested that in future as few as possible 'of persons of so desperate a character as those who may have subjected themselves to trial for the crime of murder' should be sent.¹⁰⁷ In practice, aspects of Mauritian selectivity criteria were not applied, as Bombay took the opportunity to rid itself of serious offenders.

In contrast to Bengal, however, the Bombay Presidency made *some* attempt to consider Mauritian demands for a young, fit workforce, when selecting convicts for transportation there. As has been shown, the Bombay Government decided where convicts sentenced by the Bombay provincial courts were to be sent, whilst the Supreme Court transported convicts to specific places.¹⁰⁸ In both instances Mauritian preferences were considered. In 1825, the Governor of Mauritius specified that skilled men aged under thirty-five should predominate.¹⁰⁹ In response, in 1826, the Criminal Judge of Tannah, who was in charge of all Bombay Presidency provincial prisoners in custody for transportation, selected just sixteen out of twenty-four available convicts as 'suitable'. Those selected were deemed 'stout and young', although the Judge lamented that they were 'unacquainted with any useful trade or

¹⁰⁵ IOL P.399.58. Letter from D. Greenhill to the Judge of Tannah, 13th April 1826. BomC&J, 19th April 1826.

¹⁰⁶ MA RA65. Letter from D. Greenhill to G.A. Barry, 8th November 1826.

¹⁰⁷ IOL P.400.8. Letter from W. Blanc, Acting Chief Secretary to Government Mauritius, to D. Greenhill, 17th February 1827. BomC&J, 15th August 1827.

¹⁰⁸ IOL P.399.62. Letter from H.H. Glass, Second Registrar of *sadr adalat*, to D. Greenhill, 7th July 1826. BomC&J, 19th July 1826.

¹⁰⁹ MA RA301. Governor's Minute no.26, 19th February 1825.

handicraft'. Circulars were also sent to the Supreme and *zillah* courts outlining Mauritian concerns.¹¹⁰

FIGURE I.IV
CONVICT SHIPS FROM BOMBAY, 1826-1836

Date of departure	Name of ship	No. of convicts embarked
4th November 1826	Constance	16
21st November 1827	Constance/Deux Charles	7
20th November 1828	Nerbudda	2
n.d. 1829	Royal George	4
26th February 1830	James & Thomas	27
n.d. 1830	La Maly	10
31st May 1831	La Navarine	30
10th March 1832	La Navarine	37
n.d. 1832	Le Emmee	7
n.d. 1832	Deux Sophie	18
10th January 1833	Elphinstone	32
5th June 1833	Le Balguerie	22
25th October 1833	Parkfield	29
13th December 1833	William	11
24th June 1834	Sarah	32
7th October 1834	Le Emmee	19
23rd April 1835	Amelia Thompson	37
n.d. 1835	Harriet	18
n.d. 1835	Le Emmee	19
14th April 1836	Palmira	48
n.d. 1836	Mahomodee	9
Total		534
Grand Total		1415

Source: convict ship indents (IOL P.BomC&J series); MA Z2D passenger lists inwards; and, MA RA series (correspondence with India).
'n.d.': no exact date of departure recorded in the archives.

Bombay's Superintendent of Marine faced real difficulties in procuring ships to transport convicts to Mauritius. Thus it could take months for sentences to be executed. Convicts were embarked for Mauritius as opportunities arose and, consequently, individual ships carried wildly variable contingents.¹¹¹ A far smaller total number of convicts were sent to Mauritius from the Bombay Presidency than Bengal and over a more prolonged period of time, with few departures each year.

¹¹⁰ IOL P.399.58. Letter from Criminal Judge of Tannah to D. Greenhill, 5th April 1826. BomC&J, 19th April 1826.

¹¹¹ See figure I.iv.

The *Nerbudda* took just two convicts in 1828.¹¹² The *Royal George* carried four in 1829.¹¹³ Only two ships left in 1830: *La Malay* and the *James & Thomas*.¹¹⁴ Just one ship, *La Navarine*, transported convicts to Mauritius in 1831.¹¹⁵ In 1832, there were three ships.¹¹⁶ Four more left in 1833.¹¹⁷

As transportation from Bombay continued, the Mauritian authorities continued to express concern about the convicts' productive capacity. In 1834, thirty-two convicts were embarked on board the *Sarah*.¹¹⁸ They included two women and a man whose hands and nose had been cut off. The Mauritian authorities requested that no more women or 'mutilated' convicts be sent, as they would become a burden on the colony.¹¹⁹ Just one other ship transported convicts to Mauritius in 1834.¹²⁰ Three ships sailed in 1835: *Amelia Thompson*, *Harriet* and *Le Emmee*.¹²¹ After the arrival of the *Amelia Thompson*, the Mauritian Government requested 200 more convicts, again underlining they should be able-bodied and skilled. Such reiteration of requests strongly suggests that in practice Bombay did not fully comply with earlier demands. At the same time, in a clear indication of the output which

¹¹² IOL P.400.21. List of convicts *per Nerbudda*, 20th November 1828. BomC&J, 26th November 1828.

¹¹³ MA Z2D.4 no.285. Passenger lists inwards, 31st August 1829.

¹¹⁴ IOL P.400.34/36. List of convicts *per General Barnes* and letter from H. Roper, Superintendent Indian Navy, to J.P. Willoughby, Secretary to Government Bombay, 26th February & 6th May 1830. BomC&J, 10th March & 23rd June 1830. The *General Barnes* was unable to sail as other freight was not ready: the convicts were transferred to the *James & Thomas*. See MA Z2D.5 no.53. Passenger lists inwards, 19th April 1830.

¹¹⁵ IOL P.400.45. List of convicts *per La Navarine*, 31st May 1831. BomC&J, 31st May 1831.

¹¹⁶ IOL P.400.54/56. List of convicts *per La Navarine*, 10th March 1832. BomC&J, 14th March 1832; Letter from H. Roper to J. Bax, 10th March 1832. BomC&J, 14th March 1832; Letter from R. Cogan, Assistant Superintendent Indian Navy, to J. Bax, 14th May 1832. BomC&J, 23rd May 1832; and, MA Z2D.7 nos.98/232. Passenger lists inwards, 27th June & 20th November 1832.

¹¹⁷ IOL P.400.61/65/69. Lists of convicts *per Elphinstone*, *Le Balguerie*, *Parkfield* and *William*, 10th January, 5th June, 25th October & 13th December 1833. BomC&J, 16th January, 13th June, 6th November & 18th December 1833.

¹¹⁸ IOL P.401.1. List of convicts *per Sarah*, 24th June 1834. BomC&J, 25th June 1834.

¹¹⁹ IOL P.401.3. Letter from G.F. Dick to W.H. Wathen, 14th August 1834. BomC&J, 17th September 1834. This is obviously highly revealing at another level: it suggests the possibility of the convict having had his hands and nose amputated as punishment for a previous offence.

¹²⁰ IOL P.401.4. List of convicts *per Emmee*, 7th October 1834. BomC&J, 8th October 1834.

¹²¹ IOL P.401.12. Letters from C. Norris to G.F. Dick, 23rd April, 30th September & 13th October 1835. BomC&J, 29th April, 30th September & 16th October 1835.

Mauritius anticipated from convict labour, objections to receiving convicts sentenced to a limited term were waived.¹²² By implication, after exploiting their productive capacities, the authorities could return such men to Bombay.

No more convicts were transported to Mauritius until April 1836, when the *Palmira* embarked.¹²³ Shortly after its arrival a letter was received by the Bombay authorities suggesting that these men were of the 'very worst "castes" ' and had been convicted of 'the most atrocious crimes'. Perhaps even more unpalatable was that the convicts were old and unfit for labour. It was requested that no more such men be sent to the colony as they would inevitably become a burden on colonial revenues. For the same reason, it was repeated that convicts sentenced to limited terms were preferred.¹²⁴ The *zillah* judges in Bombay were subsequently instructed that only able-bodied convicts should be sentenced to transportation there. The remainder were to be transported to Singapore. At the end of 1836, nine men were transported from Bombay to Mauritius on board the *Mahomodee*. They were the last convicts transported to the island. After further considering requests for only fit male convicts, the Bombay Presidency decided that it could not comply with Mauritian demands: the authorities in Malacca and Singapore also needed able-bodied men.¹²⁵ If Bombay was more willing to consider Mauritian preferences than Bengal, it is clear that it was unable (and perhaps unwilling) to restrict supply to prime labour. Conversely, the temptation to dump dangerous men on Mauritius was very evidently irresistible. Incessant Mauritian complaints were fruitless and in the end precipitated the closure of further supply.

¹²² IOL P.401.19. Letter from G.F. Dick to C. Norris, 29th August 1835. BomC&J, 27th October 1835.

¹²³ IOL P.401.26. List of convicts *per Palmira*, 14th April 1836. BomC&J, 20th April 1836.

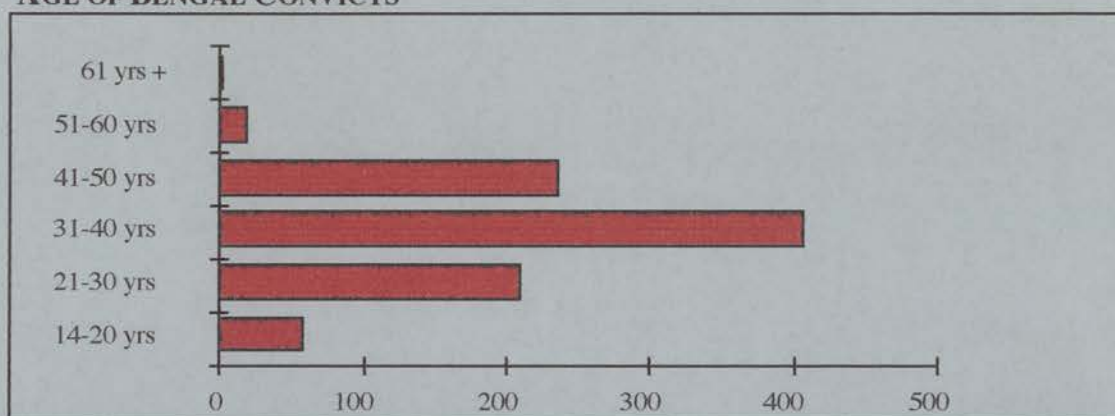
¹²⁴ IOL P.401.29. Letter from G.F. Dick to J.P. Willoughby, 25th February 1836. BomC&J, 18th May 1836.

¹²⁵ IOL P.401.32. Memorandum by the Secretary (J.P. Willoughby), 30th August 1836. BomC&J, 21st September 1836.

The age of the convicts

The relative willingness of the Bengal and Bombay authorities to comply with Mauritian preferences for young men can be examined through an analysis of the convicts' average ages. Penal considerations were always paramount to those of physical fitness in the Bengal Presidency. All convicts in Alipore jail under sentence of transportation were sent to Mauritius between 1815 and 1818. Equally, there is no evidence to suggest that the convicts selected for transportation in 1828 were chosen on the basis of their youth. This is confirmed through an analysis of the ages of 935 Bengal convict listed in the indents.

FIGURE I.V
AGE OF BENGAL CONVICTS

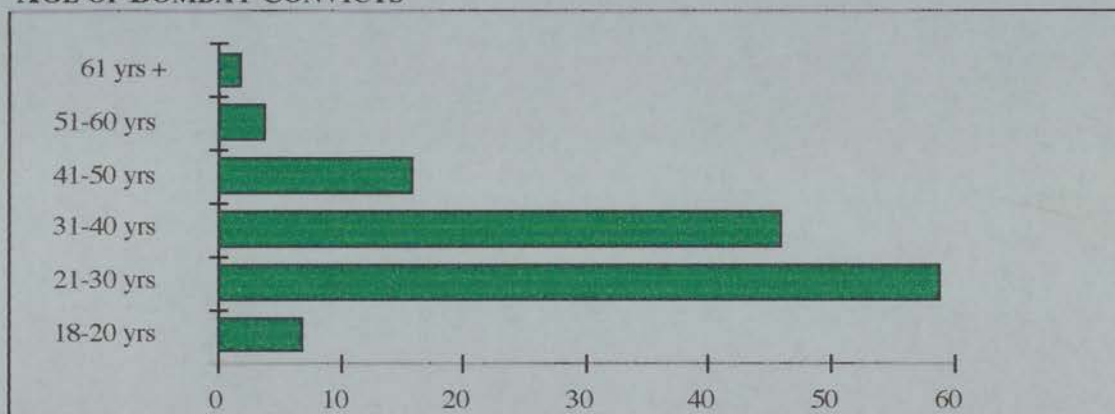


Source: convict ship indents (IOL P.BenC&J series).

The mean age of the Bengal convicts was thirty-three years, whilst the median average was a slightly younger thirty-one years old. The two youngest convicts were aged fourteen years, and the oldest was eighty. Fifty-nine convicts were aged twenty years and under (6%) and 211 twenty-one to thirty years (22%). By far the majority of the convicts fell into the thirty-one to forty year age bracket, a total of 408 (43%). 237 convicts were aged between forty-one and fifty years (25%). There were just twenty-one convicts (2%) aged over fifty one. Only three were aged over sixty-one years (0.3%). It is impossible to correlate these data with the average age

of the prison or general population in Bengal at this time. However, it is notable that the average age is far higher than that of the convicts transported from the British Isles to New South Wales who, it has been argued, were selected for transportation on the basis of their age.¹²⁶

FIGURE LVI
AGE OF BOMBAY CONVICTS



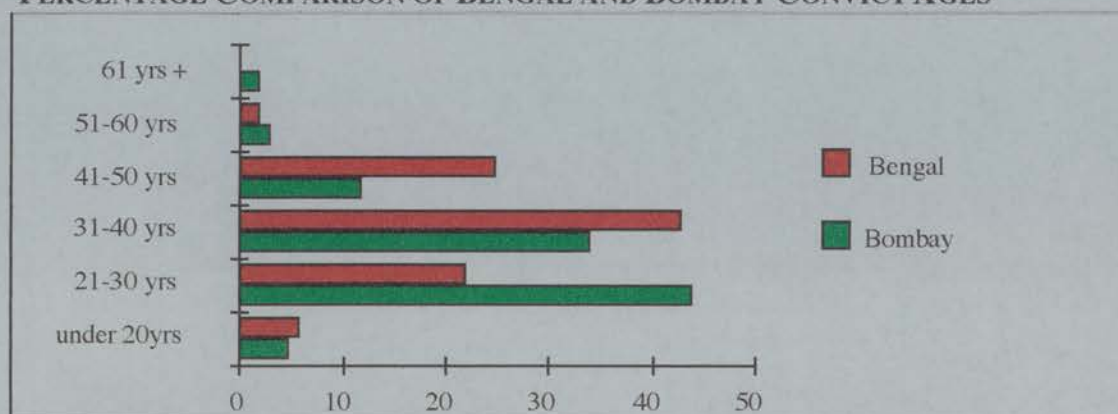
Source: convict ship indents (IOL P.BomC&J series).

The mean and median ages of the 134 Bombay convicts for whom data is available was quite similar: 33.7 and thirty-two years respectively. Equally, the youngest convict was eighteen years old and the oldest sixty-six. Similarly to Bengal, seven Bombay convicts (5%) were twenty years old or younger. However, the main difference is that the Bombay convicts were generally younger than those from Bengal, suggesting that they were deliberately selected for transportation on this basis. The largest proportion of Bombay convicts, fifty-nine (44%), were aged between twenty-one and thirty years old. Moreover, 49% of the Bombay convicts were aged thirty years or under, in comparison to just 28% from Bengal. Forty-six Bombay convicts (34%) were aged between thirty-one and forty years. Just 17% of convicts were aged over forty-one: sixteen (12%) were aged forty-one to fifty years,

¹²⁶ Following sentencing to transportation to Australia in the UK, there were attempts at further selection in the hulks, to weed out the elderly, unfit and, in the case of women, those beyond menopause. It has been calculated that 56% of the convicts transported to the Australias were aged between 16 and 25 years. Nicolas & Shergold, 'Convicts as Migrants', p.47.

four (3%) fifty-one to sixty years and two (2%) over sixty-one. In Bengal, the comparative figure was 27%.

FIGURE LVII
PERCENTAGE COMPARISON OF BENGAL AND BOMBAY CONVICT AGES



Although recorded in the ship indents, many of these ages were approximations, as an analysis of the age-spread of the convicts reveals. Of the 434 Bengal convicts aged between twenty to thirty years, almost two thirds (282) were said to be aged either twenty, twenty-five or thirty years old.¹²⁷ A similar picture emerges amongst the Bombay convicts. Of the 134 convicts for whom age is recorded, 100 were aged either twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty or sixty.¹²⁸ The fact that many of these ages were approximations seems to be confirmed by the numerous convicts who were brought before the courts for secondary offences who stated, when asked, that they did not know their age.

Transportation from Ceylon

Although only fifteen Ceylon convicts were ever transported to Mauritius, the same socio-economic penal imperatives applied as in the instances of Bengal and Bombay. In 1812, permission was granted for the transportation of Ceylon's convicts to New South Wales. However, infrequent sailings between the two colonies rendered the

¹²⁷ Compiled from data in the IOL P.BenC&J series.

¹²⁸ Compiled from data in the IOL P.BomC&J series.

policy impractical.¹²⁹ Consequently, by the end of the year, Brownrigg concluded that transportation had 'lost its force' as a sentence. Corporal punishment had become so frequent that the Chief Justice suggested its confinement to capital crimes. Meanwhile, he requested means to effect transportation sentences.

At this time, Ceylon could only transport convicts to New South Wales. Transportation from the colony to any East India Company settlements was forbidden. Therefore, ships *en route* to New South Wales were requested to call at the island, whilst all prisoners under sentence of transportation were sent to Matura jail, in Trincomalee, in readiness for embarkation.¹³⁰ However, despite attempts by the Marine Board in Calcutta, no tenders for ships were procured.¹³¹ Transportation had become an 'embarrassing subject', as about forty convicts so sentenced languished in the overcrowded jail. Their numbers increased at every judicial session.¹³² Fourteen more prisoners had been sentenced to transportation in the district of Galle and more were expected after the next criminal court session in Matura itself.¹³³ Another twenty men awaited transportation in Jaffnapalam jail.¹³⁴ Transportation soon became 'a mode of punishment very undesirable to Government, entailing much trouble and unproductive expense'.¹³⁵

Pressure on the Governor to carry the sentences into effect continued. Delays were perceived to have a 'bad effect' on the administration of criminal justice, by

¹²⁹ PRO CO54.46. Report on the occasion of a Circuit into the Palle and Matina Districts, July 1812.

¹³⁰ PRO CO54.44. Despatch from Governor R. Brownrigg to the Earl of Liverpool, Secretary of State for the Colonies, 22nd September 1812.

¹³¹ PRO CO54.46. Despatch from R. Brownrigg to the Earl of Liverpool, 21st January 1813, enclosing a letter from Lord Minto, 13th November 1812 and his communication with the Marine Board, 4th November 1812.

¹³² PRO CO54.46. Despatch from R. Brownrigg to the Earl of Liverpool, 21st January 1813 and letter from R. Brownrigg to Lord Minto, 18th September 1812.

¹³³ PRO CO54.46. Private letter from Sir Alexander Johnston, Chief Justice at Galle, to R. Brownrigg, n.d. (1812).

¹³⁴ PRO CO54.46. Letter from William Coke, Puisne Justice, to R. Brownrigg, 13th September 1812. Coke stated that the men had been sentenced to transportation over the last six years.

¹³⁵ PRO CO55.63. Despatch from Lord Bathurst to R. Brownrigg, 5th April 1816.

diminishing the dread of transportation. In 1812, Brownrigg suggested transportation to Pinang instead.¹³⁶ This was agreed and the Secretary of State for the Colonies suggested that Java might also be considered as a destination. He was, however, largely unconcerned about the place, as long as it could provide for the 'regular employment and ultimate improvement' of the convicts, the official 'ends of transportation'.¹³⁷ However, by 1818, Pinang was closed off as a destination for Ceylon's convicts. The reasons for this are unclear, especially as there were few Ceylon convicts there. Brownrigg was 'unable to comprehend' the decision and supposed the objection 'political' in nature.¹³⁸ As New South Wales was still effectively closed off to convicts from the island as a result of poor shipping links, by 1819 Brownrigg insisted that he was unable to carry sentences of transportation into effect.¹³⁹

In 1820, the new Governor of Ceylon, Edward Barnes, wrote to Farquhar requesting permission to send between sixteen and twenty-two convicts from Ceylon to Mauritius. All of the convicts were described as 'natives of Ceylon or of India'. Most had been sentenced to transportation for life and none for less than seven years. Mauritius was seen as particularly suitable, as it was within the geographical limits prescribed by the newly passed Act 53.¹⁴⁰ Farquhar agreed on his habitual conditions that the convicts were young and healthy, so that their labour might provide 'some recompense' for the cost of their subsistence. Thus, the first four Ceylon convicts were despatched for Mauritius at the beginning of 1821. At the time, Barnes drew attention to the fact that if the letter of the law was to be obeyed,

¹³⁶ PRO CO54.46. Despatch from R. Brownrigg to the Earl of Liverpool, 21st January 1813, enclosing a letter from W. Coke, 13th September 1812.

¹³⁷ PRO CO55.63. Despatches from Lord Bathurst to R. Brownrigg, 17th December 1813 & 18th February 1814.

¹³⁸ PRO CO54.70. Despatch from R. Brownrigg to Lord Bathurst, 2nd February 1818, enclosing an Extract of a General Letter from the Court of Directors to Prince of Wales Island, 28th May 1817.

¹³⁹ PRO CO54.74. Despatch from R. Brownrigg to Lord Bathurst, 2nd August 1819.

¹⁴⁰ PRO CO54.77. Letter from Governor E. Barnes to R.T. Farquhar, 3rd October 1820.

it was not possible to choose only able-bodied convicts for transportation.¹⁴¹ However, it was said that the next four convicts transported in 1824 were 'selected as answering the description requested'.¹⁴² This was probably more by coincidence than design.¹⁴³

'A good Christian woman': the transportation of Maria Davis

The clearest illustration of the socio-economic basis of Mauritian demands for convicts came is the reaction to the transportation to Mauritius of the Eurasian woman, Maria Davis. The authorities were horrified when she arrived in Port Louis and it was with great reluctance that she was allowed to land. On July 28th 1828, Maria Davis had been found guilty of murder by the Supreme Court of Calcutta and sentenced to hang, but her sentence was later commuted to transportation for life to Mauritius.¹⁴⁴ In recognition of the difficulties of passing sentences on Eurasians, the Chief Judge in Bengal asked the government whether such convicts could be transported to New South Wales in the future.¹⁴⁵

In the meantime, Maria Davis (alias Maria Raban)¹⁴⁶ was embarked for Mauritius on board the *Mary Ann* with her eleven year old daughter Emma Davis.¹⁴⁷ Upon their arrival in the island, Maria and her daughter remained in Port Louis harbour on board the *Mary Ann* for almost a month, whilst the Council of Government decided on what course of action to take.¹⁴⁸ The Procureur Général pointed out the 'diverse

¹⁴¹ PRO CO54.89. Letter from R.T. Farquhar to E. Barnes, 10th February 1821.

¹⁴² MA RA59. Letter from G. Luiden, Secretary to Government Ceylon, to G.A. Barry, 17th December 1825.

¹⁴³ There are no details of the departure or arrival of these convict ships in the archives. However, later evidence suggests that a total of fifteen Ceylon convicts were transported to Mauritius.

¹⁴⁴ Unfortunately, there is no surviving evidence of who she was found guilty of murdering.

¹⁴⁵ IOL P.138.67. Letter from C.E. Grey, Chief Justice of the Supreme Court of Calcutta, to W.S. Prinsep, Secretary to Government Bengal, 6th August 1828. BenC&J, 7th August 1828.

¹⁴⁶ IOL P.139.57. Death Certificate of Maria Davis, 7th September 1830. BenC&J, 14th December 1830.

¹⁴⁷ IOL P.139.57. Death Certificate of Emma Davis, 3rd June 1830. BenC&J, 14th December 1830.

¹⁴⁸ MA RA3381. Letter from J. Finnis, Chief of Police Mauritius, to G.A. Barry, 10th November 1828.

inconveniences' of allowing them into the colony. The Council of Government requested that the Bengal authorities arrange for their immediate removal from the colony, or give permission for the Mauritius Government to do so. Until these arrangements were made, they was placed under the charge of John Finniss, the Chief of Police.¹⁴⁹

Evidently, a female transportee of partly British origin threatened the Mauritian social order. Mauritius was economically dominated by French settlers, who formed the bulk of the white population, yet politically subject to British control. Maria Davis expressed the tensions of this situation. The British authorities were extremely reluctant to admit what was perceived as an embarrassing individual, embarrassing because ethnically connected to the ruling power. It is significant that, in this context, even skilled time-expired British convicts from the Australian colonies were refused permission of residence in Mauritius.¹⁵⁰ Given these sensibilities, it is unsurprising that G.A. Barry, the Chief Secretary of Mauritius, wrote to the Bengal Judicial Department:

The reception of a convict of the description of Maria Davis into this Colony, would be attended with much more of embarrassment to His Majesty's Government here, than could possibly, His Excellency is persuaded, have been anticipated by the Supreme Court in Calcutta when the sentence of death passed upon her was commuted to that of transportation for life to the Mauritius.

Legalistic grounds against receiving Davis were also advanced. The Chief Secretary 'understood' that the convicts sent to Mauritius were to be chosen from those sentenced to transportation generally, rather than specifically sentenced to transportation there. This was to prevent the island 'taking on the character of a

¹⁴⁹ PRO CO170.2. Minutes of Council of Government, 15th & 22nd October 1828.

¹⁵⁰ None of the time-expired convicts from Australia who attempted to obtain permission of residence in Mauritius were granted it.

penal settlement'. It was felt that 'the character of the woman', a 'half white (*sic*) Christian' would 'aggravate the general feeling' upon the subject. However, sentencing practices were certainly not his primary concern. No objections had been made to the Bombay Presidency, which it was acknowledged had previously passed specific sentences of transportation on offenders.¹⁵¹ Maria Davis, nevertheless, was not sent back to Bengal. As no objections concerning sentences specifying transportation to Mauritius had been previously communicated to the Supreme Court in Bengal, the sentence passed on Maria Davies was entirely legal. The judges of the court thus had no power to alter it.¹⁵² The eventual compromise was that Maria and her daughter were lodged entirely separately from the other Indian convicts, at the expense of the Bengal Government.¹⁵³

As a result of the 'inconveniences' which had been caused by the Davis case, the new Governor of Mauritius, Charles Colville, wrote to the Bengal authorities stating that in the future all convicts should be selected from those under general sentence of transportation rather than sentence of transportation to Mauritius specifically.¹⁵⁴ The government of New South Wales was also contacted with a view to secure the right to transport Eurasian convicts there.¹⁵⁵ Meanwhile, the problem of Maria Davis was 'resolved' when she and her daughter fell ill with tuberculosis.¹⁵⁶ Emma died on June 3rd 1830 and Maria shortly afterwards, on September 5th.¹⁵⁷

¹⁵¹ IOL P.139.23. Letter from G.A. Barry to H. Shakespear, 7th August 1828. BenC&J, 17th March 1829.

¹⁵² IOL P.139.23. Letter from W.H. Smoult, Clerk of the Supreme Court, to H. Shakespear, 12th March 1829. BenC&J, 17th March 1829.

¹⁵³ MA RA417. Letter from J. Finniss to G.A. Barry, 19th November 1829.

¹⁵⁴ IOL P.400.44. Letter from Governor Charles Colville to H. Shakespear, 7th November 1828. BenC&J, 27th April 1831.

¹⁵⁵ IOL P.139.23. Letter from W.H. Smoult to H. Shakespear, 12th March 1829. BenC&J, 17th March 1829. A handful of Eurasian convicts were later transported to Australia.

¹⁵⁶ MA RA416. Letter from H. Hart, Surgeon to Police, to J. Finniss, 22nd October 1829.

¹⁵⁷ MA RA431. Letters from J. Finniss to G.A. Barry, 5th June & 7th September 1830.

Transportation was a humanist punishment which had particular resonance in the Indian sub-continent due to British perceptions of the significance of race and caste there. One of the main motives behind its implementation as a penal strategy was the belief that Indians greatly feared the defilement which resulted from crossing the *kala pani*, making transportation a great deterrent to crime. At the same time, the transportation of offenders was, for the East India Company, a solution to the cost of imprisonment, with the Presidencies totally absolved of the convicts' expenses after their transportation. However, the convicts also had to satisfy the Mauritian desire for a cheap, effective, controllable labour force. The importance of this element of transportation should not be underestimated: the authorities there were quick to express their disapprobation when women or invalid convicts were received.

The agendas of Mauritius and the Indian Presidencies were effectively contradictory. The Presidencies were only too happy to unload 'undesirables', whether in respect of 'criminality' or fitness for labour, on Mauritius, as long as Mauritius bore the entire cost of the dubious privilege. When Mauritian complaints about the quality of convicts it was receiving became really strident, the response was to cut off all supply. In this respect the apparently more accommodating attitude of Bombay than Bengal was to some extent cosmetic. Demand for Indian convict labour in the East India Company's Southeast Asian dependencies made it unattractive to the Company to allow Mauritius to cream off the prime labour force from its transportees. The question remains, however: who were the Indian convicts? It is to an examination of their origins which we will now turn.

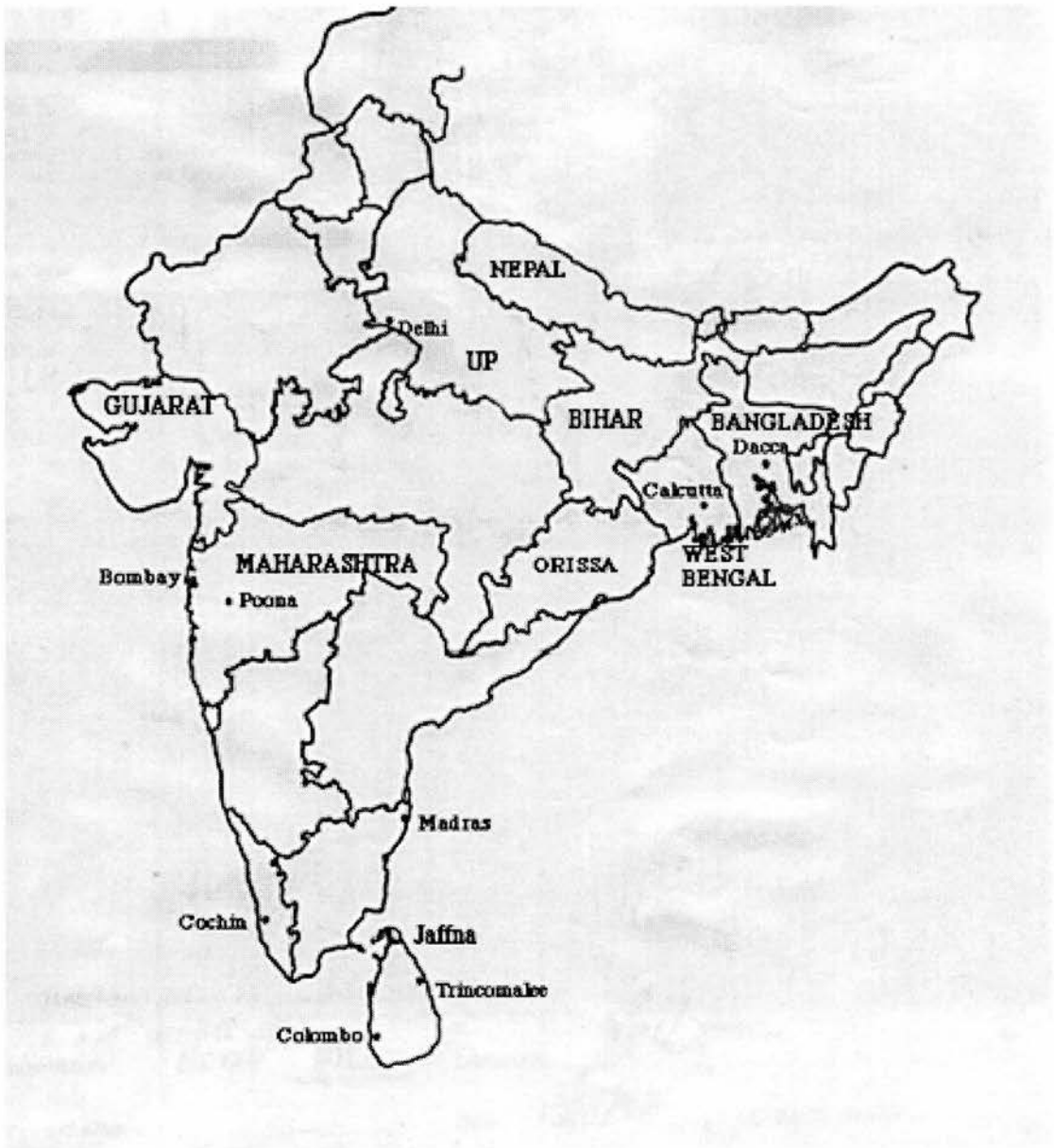
CHAPTER TWO

'THE MOST DESPERATE CHARACTERS IN ALL INDIA'?¹

THE ORIGINS OF THE INDIAN CONVICTS

¹ IOL P.132.13. Letter from J. Eliot to M.H. Turnbull, 18th September 1815. BenC&J, 7th November 1815.

Map IV
South Asia



Showing regions in India (as twentieth-century states) and Bangladesh from which convicts originated.

The Bengal convicts were shipped to Mauritius accompanied by extremely detailed ship indents. The indents were compiled by a 'native writer' in Alipore Jail and systematically recorded each convict's name, father's name, date and place of trial and criminal offence. Each convict was also given a number, ascribed a caste and physically described.² The convicts' trades or occupations were added when their ships arrived in Mauritius. The collective implication of the indents was clear: in 1815 the first Bengal convicts to be transported to Mauritius were described as 'the most desperate characters in all India'.³

The Bombay convicts were similarly described as 'desperate characters'.⁴ Ship indents also accompanied them, although these were not as complete as those from Bengal. In 1831 the Mauritian authorities claimed that no physical descriptions or details of the sentences of the Bombay convicts had been received so far.⁵ They were assured that detailed convict indents would be sent in the future.⁶ Meanwhile, it was suggested that the indents should contain details of each convict's name, offence, literacy, marital status, trade or occupation, previous sentence of transportation and a report on their 'character or behaviour'. It was also suggested that the lists include a physical description: age, height, colour of hair and eyes and 'particular marks'. Although the indents which accompanied the Bombay convicts were never this detailed, after this date they did become more systematic.⁷

² An almost complete set of these indents exists in the IOL P.BenC&J series.

³ IOL P.132.13. Letter from J. Eliot to M.H. Turnbull, 18th September 1815. BenC&J, 7th November 1815.

⁴ IOL P.401.10. Letter from A. Bell, Session Judge Conkan, to L.R. Reid, Secretary to Government Bombay, 7th February 1835. BomC&J, 25th February 1835.

⁵ IOL P.400.49. Letter from W. Staveley, Head of Department of Roads & Bridges Mauritius, to G.A. Barry, 25th July 1831. BomC&J, 19th October 1831.

⁶ IOL P.400.49. Letter from J. Bax to G.A Barry, 18th October 1831. BomC&J, 19th October 1831.

⁷ Unfortunately, many of these indents are not recorded in the IOL P.BomC&J series.

Convict indents and 'bio-power'

It is possible to look at convict indents as 'bio-power', a form of discourse exemplifying the web of power-knowledge as Foucault describes it. He argues that the power of the state to produce a totalizing web of control over entire populations is intertwined with and dependent on its ability to produce a specification of individuality: 'The state's power (and that's one of the reasons for its strength) is both an individualising and a totalizing form of power'.⁸ Such 'dividing practices' rely upon the accumulation of documentation that makes this possible:

The measurement of overall phenomena, the description of groups, the characterisation of collective facts, the calculation of the gaps between individuals, and their distribution in a given 'population'. In other words, makes possible the division and classification of individuals into groups.⁹

Integral to this process of scientific ordering is the creation and appropriation of 'knowledge' of individuals. Scientific categories thus become the object of systematic political attention in their intervention in the systematisation of the division of populations.

How then might we see these attempts at the physical description of the convicts by the state? The indents clearly demarcated the convicts as a distinct 'total' population. At the same time, the accumulation of knowledge was a prerequisite for the recognition of convicts and their efficient organisation. As Foucault writes in *Discipline and Punish*, 'the accumulation of men and the accumulation of capital were inseparable', as 'the techniques that made the cumulative multiplicity of men useful accelerated the accumulation of capital'.¹⁰ Within an emergent colonial

⁸ Foucault, 'The Subject & Power', p.213.

⁹ Foucault, *Discipline & Punish*, p.190.

¹⁰ Foucault, *Discipline & Punish*, p.221.

economy, it was such a precise 'accumulation' of the Indian convicts, the recording of their age and fitness for labour and their occupational skills, which would allow the government to allocate them to appropriate work tasks accordingly. Equally, in the absence of photographic records, the existence of detailed descriptions would facilitate the recognition and capture of escaped convicts.¹¹ It was also essential that the sentences of Bombay convicts under transportation for a term of years were recorded, in order that the date on which their time expired could be calculated.

Mauritian complaints about the incompleteness of convict indents from Bombay suggest that bio-power was not total. Indeed, the partial knowledge which resulted had serious implications for the effectiveness of colonial power. The failure to document each convict caused later problems when officials attempted to recapture escaped convicts¹² or calculate when convicts transported for a term of years had served their sentences.¹³ Neither were the convicts' occupations or trades always successfully determined upon their arrival in Mauritius, leading to problems in allocating them to labour tasks.¹⁴ The records which do exist contain a great deal of significant bio-data about the convicts, however. This includes their place of trial, the offences for which they were transported and their ascribed castes. Taken collectively, details of the convicts' socio-economic origins emerge. The indents reveal a remarkable picture of the effects of British policy in early nineteenth-century India. In this context, it will be shown that the generalised representation of the convicts as 'desperate characters' is highly problematic.

¹¹ Photography was not used for such purposes until the 1850s. See John Falconer, 'Photography in Nineteenth-Century India', in C.A. Bayly (ed.), *The Raj: India and the British 1600-1947* (London, National Portrait Gallery Publications: 1990), pp.264-77. McNair states that on arrival in Singapore, Indian convicts were photographed: *Prisoners Their Own Warders*, p.89.

¹² See chapter seven.

¹³ See, for example, MA RA566. Letter from J.A. Lloyd, Surveyor General, to G.F Dick, 20th May 1837.

¹⁴ See chapter three.

Contextualising convict 'criminality'

There is a great deal of evidence to suggest that in the years before the British occupation of India, Indian peasants enjoyed a period of relative security and prosperity. David Washbrook shows that in South India 'landless' labourers were in fact highly mobile participants in a very diversified economy, which included pastoralism and artisanal manufacture. Moreover, most agricultural labourers had rights guaranteeing them access to land or a share in its produce. The warfare which characterised the second half of the eighteenth century increased the demand for labour in services and in manufacturing. In turn, this gave agricultural labourers greater bargaining power. As the East India Company consolidated its dominance and control over land and industrial production, such as the textile industry, at the turn of the eighteenth century, however, real wages declined. Land became a scarce commodity and many alternative opportunities for employment were closed off.¹⁵

New fiscal arrangements also caused difficulties. Bernard S. Cohen argues that after 1765 the British in Bengal managed the task of assessing and collecting land revenue so badly that within five years their actions had caused a famine. This led to a breakdown in law and order and *dacoity* grew.¹⁶ The Cornwallis reforms (1786 to 1793) also had a wide impact. Land revenue obligations and tenant-landlord relations were significantly altered, related developments which impoverished many tenants.¹⁷ *Dacoit* gangs usually comprised those from the margins of the village

¹⁵ David Washbrook, 'Land and Labour in late Eighteenth-Century South India: the Golden Age of the Pariah?', in Robb (ed.), *Dalit Movements*, pp.68-86.

¹⁶ Bernard S. Cohn, 'Law and the Colonial State in India', in June Starr & Jane F. Collier (eds), *History and Power in the Study of Law: New Directions in Legal Anthropology* (Ithaca, Cornell University Press: 1989), p.134. This reflected responses to the transition to capitalist relations of production in Britain. See, for example: Douglas Hay et. al., *Albion's Fatal Tree; Crime and Society in Eighteenth Century England* (London, Harmondsworth: 1975) and Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, Allen Lane: 1991).

¹⁷ John McLane, 'Bengali Bandits, Police and Landlords After the Permanent Settlement', in Anand A. Yang (ed.), *Crime and Criminality in British India* (Tucson, University of Arizona Press: 1985), p.29. He argues that the emergence of banditry in Bengal was 'undoubtedly a consequence of the Cornwallis administrative reforms of the early 1790s'.

economy, low-caste *shudra* (peasant), *dalit* (low-caste; formerly 'untouchable') or *adivasi* (tribal) groups, such as *bagdis*, *doms*, *chandals* and *bauris*, who rarely owned land and lived in settlements set apart from the main village communities.¹⁸ John McLane points to the exceptional number of gang robberies carried out in the area east of the Hughli river (Nadia), for example, where almost all the land had changed hands by 1817. Small landholders there were forced to raise rents on their new estates leading to widespread discontent.¹⁹

At the same time, gangs were sometimes recruited by *zamindars* (landlords) vying with each other for political control. During the 1780s and 1790s, *dacoit* gangs in south India consisted of disbanded soldiers, ousted landlords and chieftains and freebooters unofficially licensed by one state to prey upon the villages of another.²⁰ *Zamindar* sponsorship of bandit gangs in Bengal was also common. In the early nineteenth century, one estate in Mymensingh (now in Bangladesh) employed fifteen hundred armed *dacoits* to pursue conflicts over land.²¹ Similarly, the *adivasi bauris* in Kanpur and Allahabad (now in Uttar Pradesh) lived under *zamindar* protection. They left their villages in search of plunder and then sold the stolen articles to their landlords at a fraction of their true value. Landholders there also discouraged *haburah*-caste peasants from cultivating their plots by denying them access to irrigation facilities unless they participated in raids on neighbouring districts. They were mainly involved in small thefts and also preyed upon pilgrims and travellers. This arrangement was much to the satisfaction of the landholders who received a large proportion of the fruits of their exertions.²²

¹⁸ McLane, 'Bengali Bandits', pp.27-33.

¹⁹ McLane, 'Bengali Bandits', p.35.

²⁰ Arnold, 'Dacoity and Rural Crime', pp.141-2.

²¹ McLane, 'Bengali Bandits', p.35. See also Sandra B. Freitag, 'Crime in the Social Order of Colonial North India', *Modern Asian Studies*, 25, 2 (1991), pp.227-61.

²² Sanjay Nigam, 'Disciplining and Policing The "Criminals By Birth", Part 2', *Indian Economic and Social History Review*, 27, 3 (July-September 1990), pp.260-3.

The effects of East India Company were particularly felt by peasants and other groups marginal to society. Before 1760, large areas of western Midnapore (now in West Bengal) were dense jungle tracts, largely free of Mughal interference. Areas such as the Jangal Mahals presented 'an ideal escape for tribal and other groups fleeing from oppression'.²³ Jangal Mahals itself was largely populated by *adivasis*, such as *santals* and *bhumij*s, together with a substantial minority of low-caste Hindu peasants, such as *bagdis*, *goalas*, *kurmis* and *sadgopes*.²⁴ In Mughal India the *santal* and *bhumij* tribals practised shifting (swidden) cultivation, as well as hunter-gathering. They were able to resist incursions into their areas, with some *bhumij* communities gaining the reputation of *chuars* (robbers) for their raids into the plains: 'They alternatively protected their political autonomy and forest resources through warfare and withdrawal'.²⁵

In 1760, Midnapore was transferred to the East India Company. By 1768, the British were sending military expeditions into the Jangal Mahals in order to extend their authority through extracting land revenues from the *zamindars*.²⁶ They met with a local response of non-cooperation, escalating to sporadic local rebellions, in support of many of the dispossessed *zamindars* during the first three decades of the nineteenth century. *Adivasis* responded by ambushing British forces and harassing them whenever possible in what has been described as 'a generalised rejection of alien authority'.²⁷ Between 1767 and 1800 this resistance became known as the *Chuar* Rebellion. In 1798, widespread violent resistance again disrupted revenue

²³ Mark Poffenberger, 'The Resurgence of Community Forest Management in the Jungle Mahals of West Bengal', in David Arnold & Ramachandra Guha (eds), *Nature, Culture and Imperialism: Essays on the Environmental History of South Asia* (New Delhi, Oxford University Press: 1996), p.337.

²⁴ Swapan Dasgupta, 'Adivasi Politics in Midnapur, c.1760-1924', in Ranajit Guha (ed.), *Subaltern Studies IV; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1985), p.102.

²⁵ Poffenberger, 'The Resurgence', pp.339-40.

²⁶ Poffenberger, 'The Resurgence', p.342. See also Dasgupta, 'Adivasi Politics in Midnapur', pp.101-35.

²⁷ Dasgupta, 'Adivasi Politics in Midnapur', p.118.

collection there, forcing the Company to restore many lands to hereditary chiefs.²⁸ There was another revolt perpetrated by the *adivasi naeks* between 1806 and 1816.²⁹

Despite this, the British gradually succeeded in extending their control of Midnapore, empowering a new *zamindar* class to control and tax local forest communities and thus open forest land for cultivation. However, the *adivasi* communities there resisted the imposition of the taxation system through a series of armed revolts later in the 1830s. The British continued to feel threatened by 'wandering gangs' throughout the nineteenth century, as their activities were outside state control. There were numerous references to pastoralists as lazy, improvident, lawless and wild.³⁰ Indeed, the moral reclamation of *adivasi* groups later in the century was often perceived to depend upon their settlement.³¹

A somewhat different picture emerges in western India. In the period immediately preceding East India Company expansion there, it was almost totally dominated by the Marathas. Their empire was severely weakened after they were defeated by the British in the First Maratha War. This was concluded with the Treaty of Salbai (1782) which led to the cession of Gujarat. The Marathas agreed to be nominal allies of the British, leaving the British free to tackle Mysore in the south. A Second Maratha War also ended with British victory in 1803. Territory in Central and Western India (including the Narmada Valley) was ceded to the British, and many Maratha armies were disbanded. By this time, warfare had wrecked the countryside and numerous Kazaucks (*rohillas*),³² Afghans (*pathans*) and the remains of the

²⁸ Poffenberger, 'The Resurgence', pp.343 and Mark Poffenberger, 'The Struggle for Forest Control in the Jungle Mahals of West Bengal, 1750-1990', in Mark Poffenberger & Betsy McGean (eds), *Village Voices, Forest Choices: Joint Forest Management in India* (New Delhi, Oxford University Press: 1996), pp.132-61.

²⁹ Poffenberger, 'The Resurgence', pp.343-4.

³⁰ Neeladri Bhattacharya, 'Pastoralists in a Colonial World', in Arnold & Guha (eds), *Nature, Culture and Imperialism*, pp.71-2.

³¹ Nigam, 'Disciplining and Policing, Part 2', p.273.

³² Kazaucks (*rohillas*) were immigrants who were originally natives of Kazakstan.

Maratha light infantry were left unemployed. One of the results of this was the growth of the Pindaries. 'Pindaries' was a word coined by the British to describe the mercenaries employed formerly employed as cavalry by the Maratha armies. Following the decline of the Marathas they 'assumed the shape of an organised banditti', making incursions in central and western India.³³ The Third Maratha War of 1817 to 1818 was the final Maratha uprising against the British, leaving the Marathas defeated once again. The Pindaries were simultaneously the focus of a successful British military campaign, and by 1818 their leaders had been smashed.

Stewart N. Gordon illustrates how the weak government control which resulted in Bombay increased ecological pressure on the hills and led to periodic looting and a spiralling pattern of raids by oppressed peasant groups. This was 'twenty years of chaos'.³⁴ Another commentator has observed that by the 1840s the Bombay Government 'suddenly realised that a widespread system of gang robbery had evolved under their noses'.³⁵ The East India Company's reaction to these problems was not always successful. The British responded to attacks on caravans and cattle-rustling by military forays into the hills, to only limited success. Later attempts to sign treaties with mercenary leaders also failed.³⁶

The example of the *adivasi bhils* in western India has also been well documented. It has been argued that they lived in the most ecologically vulnerable environments in Gujarat, which led to an insufficiency of socio-economic resources. Moreover, they were strongly discriminated against by the elite *brahmin* group of the Bombay

³³ See Stewart Gordon, *The Marathas, 1600-1818* (Cambridge, Cambridge University Press: 1993), pp.175-7; M.P. Roy, *Origin, Growth and Suppression of the Pindaris* (New Delhi, Sterling Publishers: 1973), pp.4 & 320; and, Radhika Singha, ' "Providential" Circumstances: The Thuggee Campaign of the 1830s and Legal Innovation', *Modern Asian Studies*, 27, 1 (1993), pp.92-3.

³⁴ Stewart N. Gordon, 'Bhils and the Idea of a Criminal Tribe in Nineteenth-Century India', in Yang (ed.), *Crime and Criminality*, p.130.

³⁵ F. Bruce Robinson, 'Bandits and Rebellion in Nineteenth Century Western India', in Yang (ed.), *Crime and Criminality*, p.55.

³⁶ Gordon, 'Bhils', pp.132-3.

Presidency. This had serious implications as the East India Company attempted to govern through the exploitation of existing power relations. A combination of these factors invariably pushed the *bhils* into offences such as plunder and village raids.³⁷ However, as has been argued in a later context, culturalist rather than socio-economic explanations were offered for *bhil* poverty, with *bhils* portrayed as self-indulgent and lazy. Thus 'the Bhils are condemned by their moral failings to a life of indebtedness while their exploiters are absolved of all blame'.³⁸

In the midst of all this there was still a 'blurred line' between the expanding range of criminal collectivities.³⁹ The definition of *dacoity*, for example, was extremely imprecise. Although it officially designated gang robbery by five or more persons, in Bengal defendants in smaller gangs were frequently tried for the offence. Similarly, although Sleeman's campaigns were well underway by the mid-1830s, the offence of *thagi* was largely misconstrued. As Thomas R. Metcalf argues, *thags* were portrayed as ritual murderers for the goddess Kali. Yet, *thagi* was 'never a coherent set of practices, nor could thugs easily be differentiated from other armed robbers'.⁴⁰ In this context, criminal statistics might not seem particularly meaningful. However, as offences against private property are likely to be expressive of individual or collective grievances, they are an important gauge of socio-economic dislocation. Moreover, as David Arnold has noted in the Madras context, *dacoity* itself might be seen as a crime midway between theft and riot.⁴¹

In 1871, the Criminal Tribes Act consolidated almost one hundred years of the development of British perceptions of criminality in India to provide for the

³⁷ Gordon, 'Bhils', pp.128-39.

³⁸ David Hardiman, 'The Bhils and Shahukars of Eastern Gujarat', in Ranajit Guha (ed.), *Subaltern Studies V: Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1987), p.8.

³⁹ Singha, 'A "Despotism of Law"', pp.165-6.

⁴⁰ Metcalf, *Ideologies of the Raj*, pp.41-2. See also Singha, ' "Providential" Circumstances'.

⁴¹ Arnold, 'Dacoity and Rural Crime', pp.140-67.

registration, surveillance and control of particular Indian 'tribes'. Understandings, or rather misunderstandings, of crime in India led to the belief that criminality was hereditary. Some castes and tribes were considered to consist exclusively of *janam chuars* (criminals-by-birth).⁴² The Act was initially applied to the North West Provinces, Oudh and Punjab. It was then gradually extended throughout India until, by 1950, thirteen million people were classified under such legislation.

Contemporary observers such as Herbert Risley made observations about the hereditary criminality of particular social groups. *Ahirs* and *goalas* were identified as cattle rustlers and burglars, 'ready at all times to join in any marauding expeditions'. It was said that *bauris* were 'given to stealing', *budducks* were 'notorious dacoit tribes' and *ghasis* 'professional thieves'. The *doms* were considered as: 'the lowest of the outcasts ... with their presence in any district or part of a district always marked by a decided increase in thefts, robberies and dacoities'.⁴³ Another commentator, H. Kennedy, a senior police official in Bombay, wrote in 1904 of the 'turbulent and restless spirit' of the *berads*. He also considered the *pardhis* to be an offshoot of the *bauris*, from whom 'a variety of criminal classes have sprung'. The *mangs*, meanwhile, were seen as a 'race of intemperate, cruel, passionate and revengeful' men.⁴⁴ The *budducks* were a particularly interesting group. They were also regarded by a third contemporary observer, William Sleeman, as being *janam chuars* of ancient origin. In fact, they might be more accurately described as 'peasant mercenaries', patronised by the *zamindars* who were locked in a struggle with Mughal successor states for the agrarian surplus.⁴⁵

⁴² See, for example, Bates, 'Race, Caste and Tribe'.

⁴³ Anand A. Yang, 'Dangerous Castes and Tribes: the Criminal Tribes Act and the Magahiya Doms of Northeast India', in Yang (ed.), *Crime and Criminality*, pp.113-4. See also Herbert Hope Risley, *The People of India* (London, Thacker Spink: 1915).

⁴⁴ See H. Kennedy, *The Criminal Classes in India* (New Delhi, Mittal Publications: 1985).

⁴⁵ Sanjay Nigam, 'Disciplining and Policing the "Criminals by Birth", Part 1, The Making of a Colonial Stereotype - the Criminal Tribes and Castes of North India', *Indian Economic and Social History Review*, XXVII, 2 (April-June 1990), pp.134-5. See also W.H. Sleeman, *Rambles and Recollections of an Indian Official* (London, Oxford University Press: 1915).

The convicts' crimes

The convicts transported to Mauritius were sentenced by the *nizamat* and *sadr adalat* for crimes which fell under the auspices of the India regulations in force at the time.⁴⁶ In Bengal, of the 928 convicts for whom data is available, by far the largest proportion of the convicts were convicted of theft, burglary, robbery, robbery on the highway or by open violence (62%). A further 33% were found guilty of either *dacoity* or gang robbery, which were effectively the same offence. A relatively small number of convicts were convicted for offences which included murder (3%). The remaining offences (2%) included burglary, embezzlement, contumacy and, in a handful of cases, escaping from jail, road gangs or transportation.⁴⁷

Records of just 213 of the Bombay convicts' crimes survive in the archives. Of those available, the largest proportion of convicts were found guilty of crimes which involved murder (46%). This suggests that in practice transportation was used to punish more serious offences than was the case in Bengal. The majority of the remaining convicts were convicted of crimes against property. 26% were transported for theft or robbery, often involving violence. It is notable that none of these convicts were transported for offences described as *dacoity*. In the Bombay Presidency the courts evidently preferred to categorise such offences as 'gang robbery' (18%). There are also a few more specific references to *thagi* (5%) and piracy (3%). The remaining offences (2%) include arson, embezzlement and treason.⁴⁸

The fact that the Bombay convicts were convicted of serious offences is reflected in the length of time for which they were sentenced. In Bombay, where convicts could

⁴⁶ See chapter one.

⁴⁷ See figure II.i.

⁴⁸ See figure II.ii.

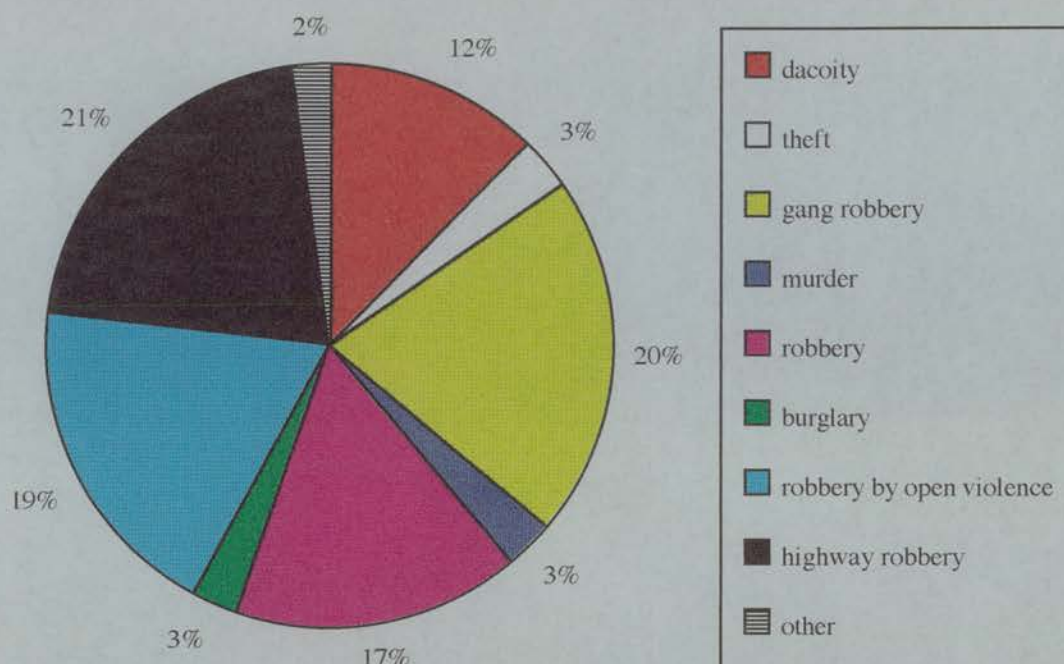
be sentenced to transportation for either life or a term of years (unlike Bengal where, as has been noted, sentences of transportation were always for life), by far the largest proportion of the convicts were transported to Mauritius for life. Of the 413 Bombay convicts for whom data is recorded, over half were convicted for life (55%) and 3% for 'life with hard labour'. A further 1% of the convicts were sent to Mauritius after their sentences of death were commuted to sentences of transportation for life. Of the remainder, 20% were sentenced for the relatively lengthy period of fourteen years. The rest of the convicts (21%) were transported for a seven year term.⁴⁹

Details of the crimes of ten Ceylon convicts survive in the archives. One convict was transported for forgery, three for murder, three for attempted murder and three for 'military offences'. Two convicts were sentenced to transportation for seven years and the remainder for life. Two convicts also had their sentences of death commuted to transportation for life.⁵⁰

⁴⁹ See figure II.iii.

⁵⁰ MA RA198. Letter from F. Rossi to G.A. Barry, enclosing a Nominative List of Convicts from Ceylon, 7th February 1822 and MA RA59. Letters from G. Luiden to G.A. Barry, 13th May & 17th December 1825.

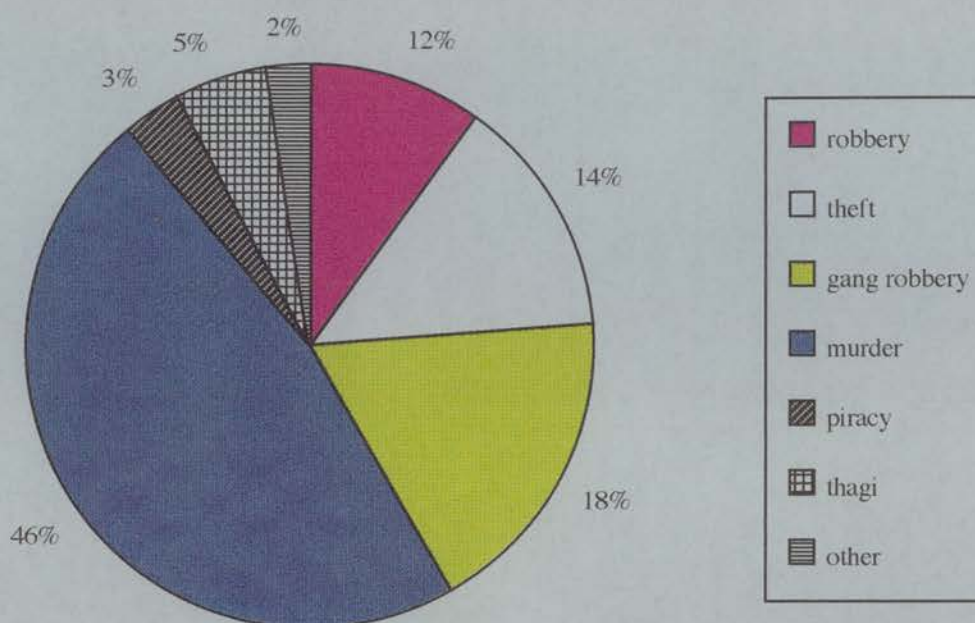
FIGURE II.I
BENGAL CONVICTS: CRIME FOR WHICH TRANSPORTED



Source: data available for 928 Bengal convicts in the ship indents (IOL P.BenC&J series). Each broadly defined category contains the following groups:

dacoity	108	accomplice dacoity (1), dacoity (82), dacoity & escaping from jail (1), dacoity & personal injury (3), dacoity & personal violence (1), dacoity & handling of stolen goods (3), dacoity & wounding (17)
theft	29	accomplice theft & wounding (2), theft & attempted murder (1), theft & wounding (26)
gang robbery	187	accomplice gang robbery (5), associate/member of gang of robbers (34), gang robbery (94), gang robbery & personal injury (13), gang robbery & wounding (28), aggravated gang robbery (9), opposing police by force & plundering cattle (4)
murder	28	accomplice murder (1), accomplice murder & robbery (4), accomplice theft & murder (1), theft & murder (1), dacoity & murder (8), highway robbery & murder (2), murder (3), robbery & murder (8)
robbery	154	accomplice robbery (2), repeated robbery (1), robbery (123), robbery & receiving stolen goods (1), robbery & wounding (27)
burglary	26	burglary & attempted theft & wounding (1), burglary & robbery (1), burglary & theft & wounding (16), burglary & wounding (8)
robbery by open violence	179	accomplice robbery by open violence (3), robbery by open violence (170), robbery by open violence & wounding (4), robbery by open violence & receiving stolen goods (2)
highway robbery	198	accomplice highway robbery (1), highway robbery (157), highway robbery & wounding (33), highway robbery by open violence (7)
other	19	attempted robbery (5), contumacy (1), embezzlement (5), escaping jail (1), escaping road (1), harbouring gang robbers (1), returning from transportation (3), strangling & attempted murder (2)

FIGURE II.II
BOMBAY CONVICTS: CRIME FOR WHICH TRANSPORTED



Source: data available for 213 Bombay convicts in the ship indents (IOL P.BomC&J series). Each broadly defined category contains the following groups:

robbery	25	burglary (17), robbery (7), accessory to robbery (1)
theft	29	accomplice theft & wounding (2), theft & attempted murder (1), theft & wounding (26)
gang robbery	38	gang robbery (24), gang robbery & wounding (5), gang robbery with violence (8), gang robbery by night with force (1)
murder	98	aiding & abetting in murder & robbery (2), aiding in gang robbery & murder (2), assisting in an attack & accessory to death (2), attempted gang robbery with murder (6), concealment of murder (2), gang robbery & murder (18), gang robbery by night with murder & wounding (28), manslaughter (1), multiple charges of gang robbery & murder (3), murder (20), murder & robbery (7), murder & wounding (1), robbery by night & murder (1), wilful murder (3), wilfully & maliciously instigating to commit murder (2)
piracy	7	piracy (7)
thagi	11	being a thug (3), being a thug & performing the office of carrying away & burning the strangled bodies (8)
other	5	arson (3), embezzlement (1), treason (1)

FIGURE II.III
SENTENCES OF THE BOMBAY CONVICTS

Sentence of Transportation	No. of convicts
Life	227
Life and hard labour	12
Death commuted to life	4
14 years	83
7 years	87
Total	413

Source: convict ship indents (IOL P.BomC&J series).

Given that *dacoity* and gang robbery were transportable offences, it is unsurprising that a number of convicts who had belonged to gangs of five or more persons were transported to Mauritius. Indeed, 638 convicts transported from Bengal had been tried for offences which involved at least one other person. Of these, eighty had been convicted in gangs of ten or more. The largest gang had fourteen members.⁵¹ It is difficult to produce comparative statistics on the Bombay convicts. However, there is evidence that some of the convicts transported from the Presidency had been in gangs. These included the gang of eleven *thags* and the seven convicts convicted of piracy.⁵² It is possible that even convicts tried and convicted singly, or convicts who formed gangs were originally part of a larger gang, with other members sentenced to death, terms of imprisonment or acquitted. Fisch argues that this was a common practice in the colonial courts, with judges showing a great deal of discretion in their sentencing.⁵³ Thus although such data is usually unrecorded, there is evidence that one convict, Bhurutsee, sentenced to transportation for life in

⁵¹ See figure II.iv.

⁵² IOL P.401.12. Letter from C. Norris to G.F. Dick, 23rd April 1835. BomC&J, 29th April 1835 and IOL P.400.34/36. List of convicts *per General Barnes* [James & Thomas] and letter from H. Roper to J.P. Willoughby, 26th February & 6th May 1830. BomC&J, 10th March & 23rd June 1830.

⁵³ Fisch, *Cheap Lives*, p.105.

Midnapore in January 1816 for *dacoity*, was tried with another defendant, Bheem Soho, who was acquitted of the same offence.⁵⁴

FIGURE II.IV
NUMBER OF BENGAL CONVICTS CONVICTED IN GANGS

No. in gang	No. of gangs (no. of convicts)
2	78 (156)
3	45 (135)
4	15 (60)
5	10 (50)
6	7 (42)
7	9 (63)
8	2 (16)
9	4 (36)
10	2 (20)
11	2 (22)
12	2 (24)
14	1 (14)

Source: offences and sentences of 923 convicts in ship indents (IOL P.BenC&J series).

Many of the convicts were transported for the kinds of offences - particularly crimes against property - which are suggestive of a response to socio-economic dislocation. However, it is only when an analysis of these offences is juxtaposed against evidence of the convicts' ascribed caste and place of trial that a more detailed picture emerges. In an examination of the trial after 'Chandra's death', Ranajit Guha argues that criminal trials are meaningless unless contextualised. For him, legal documents are mediated by the law, created in response to legal imperatives and through the 'interposition of other wills and purposes'. Each trial is thus 'a matrix of real historical experience ... transformed into a matrix of abstract legality'. His attempt is to reclaim the trial surrounding Chandra's death for history, seeing it as the record a *bagdi* family's effort to cope collectively, if unsuccessfully, with a crisis.⁵⁵ In order to reclaim the convicts' trials for history, it is also necessary to situate them in

⁵⁴ MA RA712. Letter from F.J. Halliday to G.F. Dick, enclosing an Extract from the Proceedings of the Presidency Court of Nizamat Adalat (12th January 1816), 21st September 1841.

⁵⁵ Ranajit Guha, 'Chandra's Death', in Ranajit Guha (ed.), *Subaltern Studies V*, pp.135-65.

their proper historical context. It is thus to an analysis of the convicts' social origins which we will now turn.

Ascribed caste status and place of trial

Most of the convicts were ascribed a caste in the convict indents, illustrating the significance which was attached to it by the colonial authorities. The large scientific surveys of Frances Buchanan and others did not get underway until the mid-nineteenth century. As a result, it has been argued that only then did caste emerge as an important aspect of colonial documentation.⁵⁶ However, the existence of such detailed convict indents during this period is a clear indication of the importance that was attached to caste as early as 1815. As one commentator has argued, caste was becoming 'bound up with the technologies of governing'.⁵⁷ Moreover, it is in analysing ascriptions of caste that a paradox emerges. Colonial documentation recorded the fate of peasants who had been placed under pressure by East India Company expansion. In both the Bengal and Bombay Presidencies, those social groups whose access to land and occupational opportunities had been most diminished made up by far the largest proportion of the convicts.

In Bengal, convicts described as Muslims formed the largest overall single group (34%). This is significant, given the defeat of the Mughal and Maratha armies in north India which left many Muslim soldiers unemployed: including *Afghans/pathans*. Similarly, *kshatriya* convicts, who were largely *rajputs*, made up 7% of the convicts. The vast majority of the remaining Hindu convicts would now be recognised as *shudras*, *dalits* or *adivasis* (46%). The largest single group of Hindu convicts were *shudras* (31%) and included *ahirs*, *bagdis*, *goalas*, *kaibarttas*

⁵⁶ Richard Saumarez Smith, 'Rule-by-records and rule-by-reports: complementary aspects of the British Imperial rule of law', *Contributions to Indian Sociology*, 19, 1 (January-June 1985), p.171.

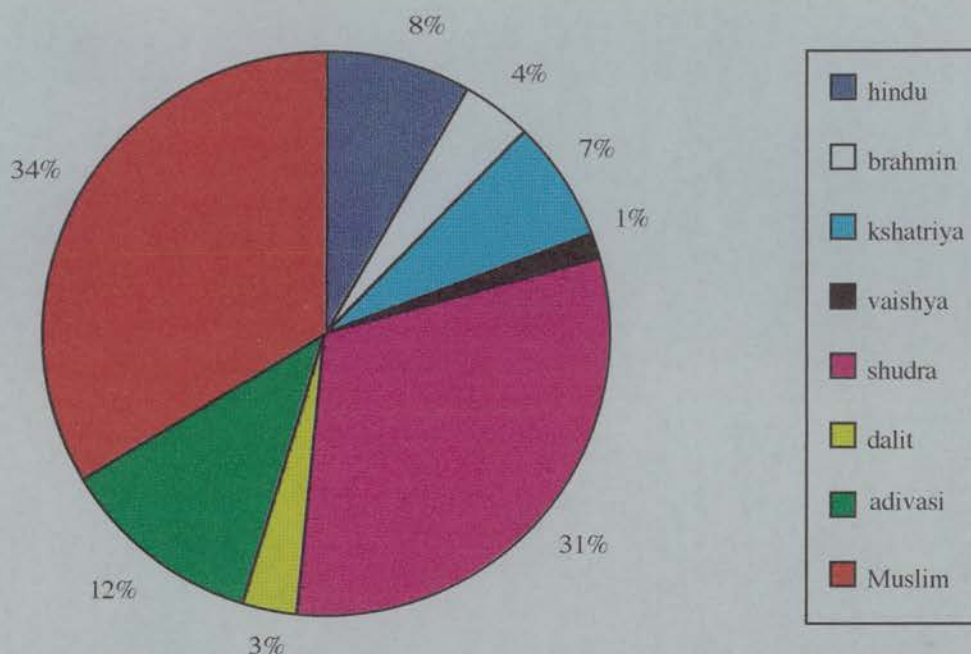
⁵⁷ Smith, 'Rule-by-records', p.154.

and *rajbanshis*: peasants who were village servants or involved in fishing, cultivation and agro-industry. The next largest group (12%) was composed of convicts who would now be recognised as *adivasis*, such as *bauris*, *budducks* and *naeks*. Convicts who would now be members of *dalit* groups, such as *chandals*, *doms* and *chamars*, made up 3% of the total.⁵⁸ Considering that low-caste social groups formed the largest section of the population, these statistics seem unremarkable. At the same time, it was this section of the population which was most adversely affected by British expansion from the turn of the eighteenth century. It might be argued that it was the response of many of these groups to their socio-economic dislocation which eventually led to their later criminalisation.

Just 1% of the Hindu convicts were classified with what would now signify *vaishya* status. Significantly there is there no evidence that a disproportionate number of *brahmins* (4%) were sent to Mauritius as a result of having had a sentence of death commuted to transportation. Neither had they committed more serious crimes than the other convicts, which would have suggested that they were more leniently treated by the courts.

⁵⁸ See figure II.v.

FIGURE II.V
ASCRIBED CASTE ORIGIN: BENGAL CONVICTS



Source: data available for 851 of the 981 convicts in the ship indents (IOL P.BenC&J series), with reference to Risley, *The People of India* and K.S. Singh, *The Scheduled Tribes and The Scheduled Castes; People of India National Series, Volumes III-IV* (New Delhi, Oxford University Press: 1994-5). The percentages represent the total number of convicts who would now be placed within each religious category/caste *varna*, each of which contains the following caste groups:

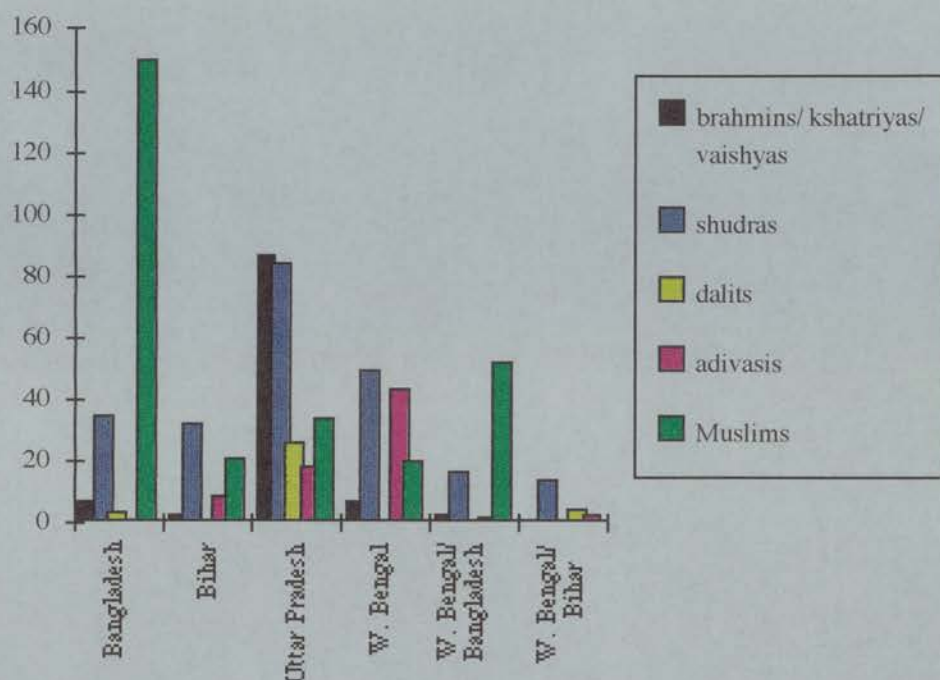
Religion/varna	No.	Groups included in category
'hindu'	72	unspecified
brahmins (priests & teachers)	33	brahmin (33)
kshatriyas (rulers & warriors)	60	baidya (7), bhat (1), jat (4), rajput (48).
vaishyas (merchants)	12	abkar (1), bania/baniya (4), chhatri (1), halwai (1), jogi/jugi (2), kharwar/kherwar (3)
shudras (peasants & village servants)	264	ahir (20), badhi/badi (17), bagdi (21), bhar (1), bharbhunja (2), chootar/chutar (1), dhanuk/dhanak (1), dholi (1), goala (27), ghasi (3), gujjar (23), haburah (3), hajjam (6), hari (2), kandu (2), kahar (22), kaibartta (27), kamar (3), kori (5), kotal (1), kurmi (9), lohar (4), mal (2), mali (1), manjhi (10), nai (2), nuniya (2), pasi (6), patni (1), pod (2), rajbanshi (33), rajwar (1), tanti (1), teli (2)
dalits (low-caste, formerly 'untouchable')	25	chamar (7), chandal (7), dhoba/dhobi (1), dum/dom (7), mala (1), muchi (2).
adivasis (tribals)	99	bauri (28), bhumij (3), bhunjia (1), bhuimya/bhuiya (10), budduck (4), dosad/dusadh (7), kangar (8), khorree/kura/kora (5), lodha (4), matea (1), naek (28)
muslims	286	mussulman (260), afghan (2), meewatee (11), mohadund (3), mughal (1), pathan (5), sheikh (2), syed/sayad (2)

Although the convicts' regions of origin were not recorded in the indents, their places of trial were.⁵⁹ Convicts were convicted throughout the Bengal Presidency, in areas which would now be in Bangladesh, Bihar, Orissa, Uttar Pradesh and West Bengal. Over 100 other convicts came from areas which now straddle West Bengal, Bangladesh and Bihar: Dinajpur and Jangal Mahals. This data assumes significance when it is correlated with the convicts' ascribed caste. Firstly, it suggests that caste data was accurately recorded for Muslims and low-caste Hindus who came from the regions where they were most demographically concentrated. So, for example, the largest proportion of Muslims were convicted in areas such as Backergunge, Rajshahi, Ramgpur and Dinajpur and the largest proportion of *adivasis* were convicted in West Bengal, coming from areas where tribals are known to have been concentrated, such as Jungle Mahals, Hughli and Midnapur. A substantial number were also tried in Bundelkhand and Aligarh (now in Uttar Pradesh) and in areas of Bihar such as Saran.

Secondly, many *shudras* and *dalits* came from areas which were under socio-economic pressure as British influence expanded. These included Allahabad, Kanpur, Midnapore, Nadia and Hughli. Finally, *brahmins*, *kshatriyas* and *vaishyas* were overwhelming convicted in what is now the state of Uttar Pradesh. It is perhaps significant that only six convicts were convicted in the province of Benares, where *brahmins* were exempted from the death sentence until 1817 and not a single one was described as a *brahmin*. However, it might be suggested that the legal culture of the whole area was unwilling to execute *brahmins*.

⁵⁹ See figure II.vi.

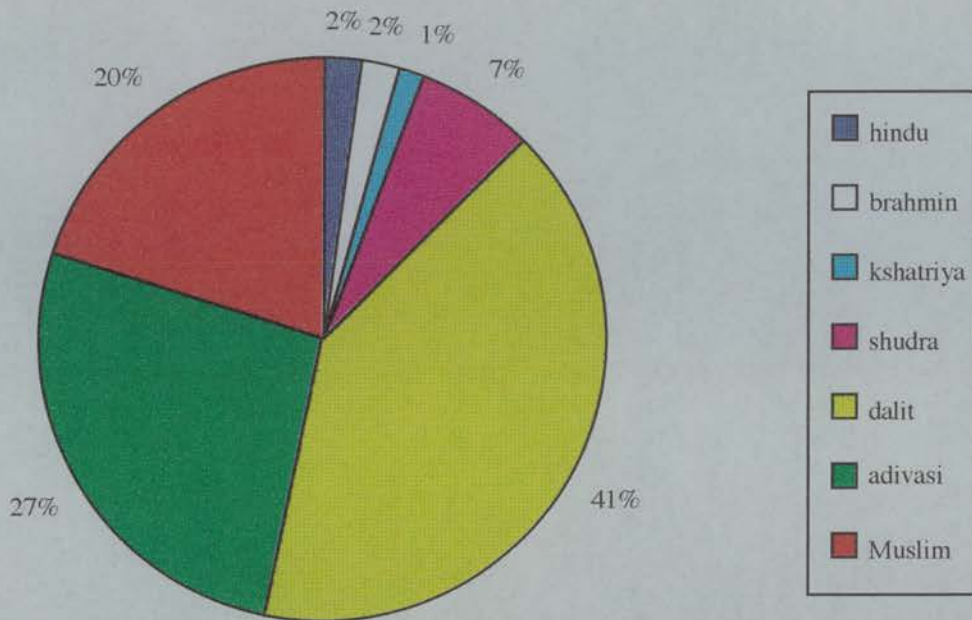
FIGURE II.VI
BENGAL CONVICTS:
CORRELATION OF ASCRIBED CASTE AND PLACE OF TRIAL



Source: place of trial and ascribed caste status available for 721 convicts in the ship indents (IOL P.BenC&J series). This graph excludes those convicts for whom either caste or place of trial was not recorded and all convicts described simply as 'hindu'. Figures below denote the number of convicts whose place of trial was recorded; those in brackets denote the number of convicts whose caste status was also ascertained and who provide the basis for figure II.vi. The convicts' places of trial have been grouped together on the basis of their distribution within modern Indian states.

Bangladesh	198 (197)	Backergunge (44), Dhaka (9), Dhaka Jalalpur (13), Jessore (1), Mymensingh (3), Rajshahi (74), Rangpur (34), Sylhet (6), Tripura (14)
Bihar	104 (66)	Bhagalpur (5), Bihar (13), Patna (3), Purnea (51), Ramgarh (10), Saran (12), Shahabad (6), Tirhut (4)
Orissa	8 (0)	Cuttack (8)
Uttar Pradesh	276 (234)	Agra (33), Aligarh (32), Allahabad (13), Benares (6), Bareilly (22), Bundelkhand (24), Etawa (20), Gorakhpur (8), Jaunpur (9), Kanpur (16), Mirzapur (14), Moradabad (38), Sahabad (1), Saharanpur (40)
W Bengal	179 (127)	24 Parganas (32), Alipore (1), Birbhum (39), Burdwan (5), Hughli (48), Midnapur (35), Murshidabad (5), Nadia (10), districts/suburbs (4)
W.Bengal/ Bangladesh	87 (75)	Dinajpur (87)
W Bengal/Bihar	24 (22)	Jangal Mahals (24)

FIGURE II.VII
ASCRIBED CASTE ORIGIN: BOMBAY CONVICTS



Source: data available for 135 of the 423 convicts in the ship indents (IOL P.BomC&J series). The percentages represent the total number of convicts who would now be placed within each religious category/*caste varna*, each of which contains the following caste groups:

Religion/varna	No.	Groups included in category
'hindu'	3	unspecified
brahmins (priests & teachers)	3	brahmin (3)
kshatriyas (rulers & warriors)	2	rajput (2)
vaishyas (merchants)	0	
shudras (peasants & village servants)	9	bharbhunja (2), maratha (7)
dalits ('outcastes')	55	koli (48), lingayat (4), mahar (2), wadi (1)
adivasis (tribals)	36	berad (1), bhil (10), bhil mussulman (6), dhangar (1), kunbi (3), mang (3), mina (1), naek (3), pardhi (8)
muslims	27	mussulman (26), mohamedan (1)

A similar picture of the transportation of marginalised groups emerges from an analysis of the convicts transported from Bombay. However, a far smaller proportion of the convicts were Muslims and a far larger proportion were from *dalit* or *adivasi* groups. As in Bengal, many of the convicts belonged to castes and tribes which were later criminalized, including the *kolis*, *mangs*, *pardhis* and *bhils*. A small minority of convicts (seven men) were described as Marathas. Similarly, just

2% of the Bombay convicts were described as *brahmins*. Only two *rajput* convicts were transported. As in Bengal, there is no evidence that those convicts who had their sentences of death commuted were disproportionately of high-caste origin.⁶⁰

Records on the place of trial of the Bombay convicts are largely incomplete. 224 convicts (53%) were tried by the Supreme Court in Bombay. There is evidence that a few were convicted in Ahmedabad (now in Gujarat) and others in Ratnagiri, Poona, Darwar and Dhule (Maharashtra). Other than this, we know very little. Indeed, it would be impossible to correlate place of trial and caste for all but a handful of these convicts. However, the caste/tribal origins of the convicts suggest that many were from the northern areas of the Bombay Presidency. This is particularly true for *adivasis* such as the *bhils*. The majority of the *shudras* transported from Bombay were *kolis*. They were low-caste fishermen and were concentrated all along the western coastline.

Unfortunately, there are no records of the place of trial of the Ceylon convicts. However, they were frequently referred to by 'race': two of the convicts were 'natives of Batavia' and a third of Dutch-Singalese parentage. The remainder were Singalese.⁶¹ These references to 'race' lead to another point. A number of the convicts transported from Bombay were from widely divergent regions of origin. They included at least two Chinese convicts: Annoy and Kassing.⁶² Ten 'Portuguese' convicts were also transported: Mighel Gonsales, Joseph Gonsales, Peter de Cruz, Nicalao de Rozano, Manoel de Cruz, Domingos Perria, Manoel Jose Luis, Antonio Francis, John Fernandez and Matthew Fernandez.⁶³ These were

⁶⁰ See figure II.vii.

⁶¹ MA RA387. Letter from W. Staveley to G.A. Barry, 8th December 1828.

⁶² IOL P.400.34. List of convicts *per General Barnes*, 26th February 1830. BomC&J, 10th March 1830 and IOL P.400.54. Letter from H. Roper to J. Bax, 10th March 1832. BomC&J, 14th March 1832.

⁶³ MA Z2D.4 no.285. Passenger lists inwards, 31st August 1829; IOL P.400.45/65. Lists of convicts *per La Navarine, Le Balguerie and Parkfield*, 31st May 1831, 5th June & 25th October 1833.

probably the descendants of Portuguese settlers who had been operating in Western India since the sixteenth century. There were also several Bombay convicts who were referred to as 'Arabs'. These included three Marathas (Ballojee bin Rowjee Bunday, Bajeerou bin Luximonrou and Annajee bin Gunjee Jadow) who were convicted of gang robbery with violence. It is extremely likely that they had previously been in the army.⁶⁴

Despite the meticulous observation of caste, at this time colonial knowledge surrounding it was sometimes both limited and misconstrued. Although officials may have been in possession of a large body of information, they lacked the interpretative tools to transform it into accurate understanding. When the first convicts were embarked on the *Lady Barlow* and *Helen* for Mauritius, for example, the Magistrate of the Suburbs of Calcutta wrote to the Secretary of the Board of Trade regarding convict rations:

I beg leave to refer you to Dr Hunter's book on the diseases of Lascars as the best criterion for what may be requisite for [the convicts] remarking, at the same time, that the Up Country men require a supply of flour in preference to Rice, as an alternate Diet with rice, or otherwise they are troubled with serious Bowel complaints, which too often prove fatal.⁶⁵

Careful calculations were made and flour was sent in lieu of rice for the 'Up Country men'. However, within a month of the first convict ships' arrival in Mauritius, the Civil Storekeeper suggested that the flour sent with them be auctioned, 'as the convicts seem careless about it'.⁶⁶

BomC&J, 31st May 1831, 13th June & 6th November 1833; and, IOL P.401.4. List of convicts *per Emmee*, 7th October 1834. BomC&J, 8th October 1834.

⁶⁴ IOL P.400.65. List of convicts *per Parkfield*, 25th October 1833. BomC&J, 6th November 1833.

⁶⁵ IOL F.4.534. Letter from J. Eliot to R.C. Plowden, Secretary to the Board of Trade, 26th June 1815. Extract of Proceedings of the Bengal Legal Department, 4th July 1815.

⁶⁶ MA RA68. Letter from D. Mackay, Civil Storekeeper, to E.A. Draper, Acting Colonial Secretary Mauritius, 22nd December 1815.

In another example of misperceptions surrounding caste, by 1828 the Mauritian authorities expressed a preference for the caste of convicts whom they wished to receive from the Bengal Presidency:

It having been found from reference that the Convicts from Bengal and the Upper Countries (Rajpoots) conduct themselves well in this island, I am directed further to request that as large a portion of the convicts sent hither as can be spared may be from that Presidency.⁶⁷

The Bengal authorities made attempts to select the remaining convicts on this basis. However, they were often unable to conform.⁶⁸ This was not surprising given the misconstrued basis of these social imperatives: the Mauritian authorities were mistaken in assuming that the convicts coming from 'Bengal and the Upper Countries' were necessarily *rajputs*. Although large numbers came from what is now Uttar Pradesh, very few came from elsewhere. However, the request came during a period when perceptions of the Indian social order ascribed great importance to caste. The *rajput* convicts may well have behaved well after their arrival in Mauritius. At the same time, colonial officials appear to have been rather confused about the association between caste and region of origin.

Occupational skills

Details of the convicts' trades were not systematically recorded in the ship indents on their departure from Bengal or Bombay. However, efforts were made to ascertain each convict's occupation on arrival in Mauritius. Of the seven convict ships from Bengal for which occupational data survives, there are details on 198 convicts. Most of the convicts (151 men) described themselves as 'labourers'. Otherwise, there were

⁶⁷ IOL P.138.65. Letter from A.W. Blanc to H. Shakespear, 27th February 1828. BenC&J, 12th June 1828.

⁶⁸ IOL P.138.65. Letter from J. Master to H. Shakespear, 31st May 1828 and letter from H. Shakespear to A.W. Blanc, 18th June 1828. BenC&J, 12th June 1828.

eleven bearers, five fishermen, three weavers, three bricklayers, two barbers and one brazier. Seven were recorded as soldiers and fifteen as sepoys.⁶⁹ Unfortunately there is no comparative data on the Bombay convicts.

The Commission of Eastern Enquiry in 1828 later reported that 'several of [the convicts] are intelligent and skilful - in various trades and occupations'.⁷⁰ Of the 635 convicts in the Convict Department in 1828, 100 were tradesmen. According to the commission, these included eleven carpenters, fourteen blacksmiths, fourteen stone cutters, twenty-six masons, one silk and cotton spinner, twelve weavers, seven gardeners, five tailors, three bricklayers, four basket makers, one pastry cook, two indigo planters, one cotton planter, two opium planters, three indigo manufacturers, one planter, two braziers and a baker.⁷¹

Twelve other convicts later involved as either witnesses or defendants in criminal trials made statements about their occupational skills. Nacta Badensing stated that he was a labourer. Two other convicts described themselves as cultivators. Besharut Khan claimed that he was a 'village headman', Maddow that he was a domestic cook and Sabhar that he was a servant. Four convicts stated that they had been soldiers: one said that he had been a soldier in the 4th Sepoy Regiment and another that he had been a horseman in General Lake's army.⁷²

⁶⁹ MA RA97-99/102/104. Lists of convicts *per Charlotte, Ruby, John Bull, Union, Magnet, Friendship* and *Anna Robertson*, 3rd October, 4th, 7th & 14th November, 1st December 1817 & 8th March 1818.

⁷⁰ PRO CO167.123. Commissioners of Eastern Enquiry 1828, Government & Finance, 15th December 1828.

⁷¹ PRO CO167.24. Commissioners of Eastern Enquiry 1828, Volume I, Finances & Establishments: Appendix No. 23: Return of the number of Indian Convicts at Mauritius 30th October 1828, distinguishing their trades and the number who have left families in India.

⁷² MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance, 13th August 1819; JB133. Trial of Kalloo & Nacta. Interrogation of Nacta, Court of First Instance, 15th September 1820; and, MA JB136. Trial of the Boisgard Convicts. Evidence of the Court of First Instance, 5th May 1820. Lord Lake was placed in charge of the military campaign to divide the Marathas and seize territory after 1803. See Gordon, *The Marathas*, p.175.

Qualitative evidence on the convicts (i): legal discourse

Information about the convicts' castes, crimes and places of trial thus converge to produce a revealing picture of transportation in early nineteenth-century India. This picture becomes even more remarkable when some qualitative examples of the convicts' offences are examined. Details of court verdicts were sometimes recorded in the ship indents. Such legal discourse is in some ways problematic. It orders what are essentially extraordinary events (the transgression of the criminal law) into a judicial schema which 'discovers' the guilt or innocence of the offender.⁷³ However, once it is properly contextualized, a number of useful conclusions can be drawn. It is clear that a number of convicts were unemployed soldiers who were members of mercenary gangs. Other convicts were involved in plundering private property. Given evidence of the regions in which these offences took place, it is probable that these were acts sponsored by local *zamindars* in the context of the changing relationship between landlords and tenants. Furthermore, whilst these offences were stimulated by the effect of Mughal and Maratha decline and British expansion in North India, they were not a direct rejection of these processes. A number of other *adivasi* convicts, however, were involved in direct rebellion against the extension of British authority in areas such as Midnapore.

Of the convicts who were members of mercenary gangs, Munsookh, Puncham and Mohun, Bengal convicts who arrived in Mauritius on the *Lady Barlow*, were typical. They were each convicted of 'being an associate of Ukha, a notorious Kazauck'.⁷⁴ Given their involvement in a *rohilla* gang, it is not unlikely that these three convicts were Pindaries. Similarly, Ruttun Sauhee, a labourer tried in Etawa (now in Uttar Pradesh), was transported for an attack on a detachment of the East India Company

⁷³ See Guha, 'Chandra's Death'.

⁷⁴ IOL P.132.7. List of convicts *per Lady Barlow*, 10th September 1815. BenC&J, 13th September 1817.

army 'attended with plunder and wounding and the murder of Holas Sepoy'.⁷⁵ It is possible that he too was a mercenary. Four other Marathas were convicted of murder and transported to Mauritius on the *Amelia Thompson* in 1835.⁷⁶ They may well also have been unemployed soldiers.

Two Bombay convicts, Goree Dada Seyjun and Solunky Noor Jaffor, were actually described as 'sepoy caste mercenaries'. In 1834, they were accused of cattle-rustling and were found guilty of 'assisting in an attack made by banditti on a *ness* [temporary village] inhabited by certain *rybarrees* [cattle-herders]'. The two convicts admitted the crime, stating that they had plundered about seventy head of cattle with about fourteen or fifteen other members of their gang.⁷⁷ Similarly, Sew Rakhunsing, who was transported from the Bombay Presidency in 1836, was found guilty of: 'having wilfully and feloniously set fire to and burnt part of the houses of Mohumsing Naique of the Regiment in the lines in Dharwar'.⁷⁸ This was evidently the act of a mercenary.

There are a number of examples of convicts found guilty of plundering private property. Although the exact circumstances in which the offence took place are not clear, the Bengal convicts Dunnah and Penderah were convicted of 'plundering of the Company's territory'.⁷⁹ Similarly, Futtoo, Umboo and Kerree were transported from Bombay for the more specific offence of cattle-rustling, plundering 'several head of cattle' from a neighbouring village.⁸⁰ In 1836, another Bombay convict, Poonoo Sanjee, was found guilty of having 'attacked and plundered the village of

⁷⁵ IOL P.132.63. List of convicts *per Ruby*, 30th August 1817. BenC&J, 2nd September 1817.

⁷⁶ IOL P.401.12. Letter from C. Norris to G.F. Dick, 23rd April 1835. BomC&J, 29th April 1835.

⁷⁷ IOL P.400.73. Letter from J. Williams, Political Commissioner Gujarat, enclosing Extracts from the Trial of Goree Dada Seyjun and Solunky Noor Jaffor, 10th February 1834. BomC&J, 16th April 1834.

⁷⁸ IOL P.401.26. List of convicts *per Palmira*, 14th April 1836. BomC&J, 20th April 1836.

⁷⁹ IOL P.132.7. List of convicts *per Helen*, 10th September 1815. BenC&J, 13th September 1817.

⁸⁰ IOL P.132.63. List of convicts *per Ruby*, 30th August 1817. BenC&J, 2nd September 1817.

Sangurwa'. He also murdered four villagers and wounded four others.⁸¹ Six *bhils* were also transported for gang robbery in 1833.⁸² These were acts of robbery and violence common throughout northern India during this period.

Finally, there are a few convicts who were involved in direct rebellion against British authority. One gang of seven men was transported from Hughli (Bengal Presidency) in 1815. Each convict had been found guilty of 'having joined and associated with one of the bands of chooars or robbers infesting the Pergunnah [pargana] of Bagree'.⁸³ The convicts were named as Echa Nack, Turkeek Nack, Roomear Nack, Nuhhoo Nack, Mohum Nack, Bungseeram Nack and Sumbhooram Boonya.⁸⁴ Significantly, they were all *adivasis*, precisely the social groups under socio-economic pressure in this region at this time. Moreover, most of the convicts were *naeks*. Between 1806 and 1816 there was almost constant rebellion by the *naeks* in support of the dispossessed *zamindars* of this region.⁸⁵

Another five members of a gang were tried for almost the same offence in Midnapore. More detail emerges, as each convict was charged with:

Joining and associating with one of the bands of Chooars or bandittee that infested the Pergunnah Bagree and of having been concerned with the gangs of those Chooars armed with offensive weapons in extorting and intimidation at different times grain &c. from several of the inhabitants of the said Pergunnah.

⁸¹ IOL P.401.31. Letter from J. Erskine, Political Agent Rajcote, to J.P. Willoughby, 9th September 1836. BomC&J, 14th September 1836.

⁸² IOL P.400.61. List of convicts *per Elphinstone*, 10th January 1833. BomC&J, 16th January 1833.

⁸³ The language of 'infestation' as a representation for the actions of oppressed groups stands for what Ranajit Guha calls 'the voice of committed colonialism'. See Guha, 'The Prose of Counter-Insurgency', in Ranajit Guha (ed.), *Subaltern Studies II: Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1985), p.14. (A *pargana* was an administrative district in the Indian Presidencies).

⁸⁴ IOL P.132.9. List of convicts *per Charlotte*, 25th September 1815. BenC&J, 27th September 1815.

⁸⁵ Poffenberger, 'The Resurgence', pp.343-4.

The five convicts, Ramhurree Bowree, Goluck Ahangur, Soobul Naik, Dookeeram Bhoomaj and Jeetah Bowree, were convicted together with Himmur Sirdar, who was found guilty of harbouring them.⁸⁶ Again, they were of *adivasi* origin, the Midnapore region then in rebellion against British authority.

The physical descriptions of the convicts contained in the ship indents record the physical effects of any previous injuries they had suffered. The type of injuries detailed concur with the type of crimes for which particular convicts were found guilty. Several convicts had gunshot wounds. Narrain, for example, was a *brahmin* convicted in Mirzapore for robbery. He had a musket ball lodged in the right side of his throat. Bhowaneesheewah, a *rajput* who was found guilty of 'being an accomplice with Kishn Sing in gang robbery and plundering', also had a 'mark of shot' on the left side of his forehead.⁸⁷ The Muslim convict Kyal Khan, transported for *dacoity*, had a bayonet wound.⁸⁸ Other convicts had similar sword marks. Chukawree Bunea, who was convicted of robbery, had a scar on his body twelve inches long and two inches wide.⁸⁹ Bodhee, a *brahmin* transported for gang robbery, had suffered a similar wound.⁹⁰

In a rather different case in 1816, two Bengal convicts, Dursan and Peeroo, were found guilty of: 'strangling Munnoo intending his death, and leaving him for dead, and of taking a silver Huslee [thick necklace] from his neck and dividing the produce of it between him and his associates'.⁹¹ Although not described as an act of *thagi*, the offence involved murder by strangulation and theft by a gang. These elements

⁸⁶ IOL P.133.20. List of convicts *per Anna Robertson*, 27th January 1818. BenC&J, 27th January 1818.

⁸⁷ IOL F.4.534. List of convicts *per Lady Barlow*, 8th September 1815. Extract Military Department Proceedings, 8th September 1815.

⁸⁸ IOL P132.9. List of convicts *per Charlotte*, 25th September 1815. BenC&J, 27th September 1815.

⁸⁹ IOL P.132.12. List of convicts *per Greyhound*, 31st October 1815. BenC&J, 7th November 1815.

⁹⁰ IOL P.132.32. List of convicts *per Union*, 15th September 1816. BenC&J, 20th September 1816.

⁹¹ IOL P.132.29. List of convicts *per Swallow*, 21st July 1816. BenC&J, 22nd July 1816.

were characteristic of British definitions of the act when Sleeman began his campaign against *thagi* in western India in 1826.⁹² A more specific reference was made to *thagi* in 1835, when eleven Bombay convicts were convicted of either 'being thugs' or of 'performing the office of carrying away and burying the strangled bodies'.⁹³

Qualitative evidence on the convicts (ii): subaltern perspectives

A few convicts made allusions later as to why they believed they had been transported to Mauritius. Their perceptions were often quite different to those of the Indian courts.⁹⁴ Some convicts claimed that they had been wrongly convicted. Others stated that they had been led unwittingly into crime by others. Such statements are obviously problematic, as convicts may have wished to exaggerate their innocence, particularly if they were facing charges for secondary offences committed in Mauritius or they were petitioning for their liberation. At other times, convicts admitted their guilt, offering further details of the crime for which they were convicted. Although it is usually impossible to correlate the claims of individual convicts' against the legal discourse of the crime for which they were convicted in court, subaltern perspectives are still revealing on a number of levels.

Several convicts claimed that they had been 'led astray' in their youth. Bhurutsee, for example, who was found guilty of *dacoity* in 1816, stated in his petition for liberation in 1841 that: 'when a youth [he had] unknowingly and without any

⁹² See Sleeman, *Rambles and Recollections of an Indian Official*, pp.77-91. His campaign also included central India after 1835.

⁹³ IOL P.401.17. Descriptive list of the convicts under sentence of transportation for life in the criminal jail of the Konkan at Tannah, 3rd August 1835. BomC&J, 14th August 1835.

⁹⁴ The Superintendent of Convicts in Singapore also wrote: 'It was remarkable what a wide difference there was between the accounts given by the convicts themselves, of the circumstances which were the cause of their transportation, and the summary of them given in the warrants sent with them. Although many of them did not deny having committed what the law looked upon as a crime, they, under the circumstances, either considered that the act was justifiable, or perhaps that it was the result of accident'. McNair, *Prisoners Their Own Warders*, p.117.

experience, been unfortunately led astray and compromised in an offence for which he has long since repented ... the only fault which he ever committed'.⁹⁵ As an attempt to inspire sympathy for his liberation, the claims of this petition are obviously open to question.

Another convict, Shaik Hubbub, a *subahdar* in the 11th Regiment of the Native Infantry claimed that he had been convicted as a result of a conspiracy against him. He was transported along with three other soldiers for robbing 'a cooley named Bojah Jetta of a bag containing one hundred rupees in copper change'. It was said that he had told the others: ' "put the bag beside you and run to your quarters as the line will be ordered to fall in case of any disturbance" '. Witnesses testified that on three separate occasions, he ordered the sentry to deny that any one had passed his gate. It was seen as a very serious crime, with the judge stating: ' "It is extremely mortifying to see a fine old soldier like you lending the influence of his rank and station to convert the lines of his regiment into a den of thieves" '.⁹⁶ However, both during and after the trial, Hubbeeb claimed that he had been the victim of a conspiracy amongst the ranks, with the declarations of the other defendants having been made in a 'spirit of revenge' against his authority.⁹⁷

Both Kunny and Miseraly also stated that they had been falsely accused of taking part in a robbery. Kalloo stated that he had been unjustly condemned for the robbery of some travellers.⁹⁸ Madow claimed that he was a convict by error of name.⁹⁹ Mookteram Goindah said that he was condemned in India because someone had

⁹⁵ MA RA712. The petition of Bhurut-see, 5th March 1842.

⁹⁶ IOL P.403.8. *Bombay Gazette*, 12th July 1834. BomC&J, 25th May 1842.

⁹⁷ IOL P.403.7. Extract from a Report of the Surveyor General & Civil Engineer, 5th January 1842. BomC&J, 21st April 1842.

⁹⁸ MA JB133. Trial of Nacta & Kalloo. Evidence of the Court of First Instance, 6th October 1820.

⁹⁹ MA JB136. Trial of the Boisdard Convicts. Evidence of the Court of First Instance, 5th May 1820.

brought a false complaint against him of which he was found guilty.¹⁰⁰ Another convict, Gopaul, stated that he did not know what the judgement brought against him in India had been.¹⁰¹ In a similar case, it was claimed that another convict of Chinese origin, Panjoo, had unwittingly handled stolen goods:

Dealing with an arab merchant he latterly purchased some articles of commerce and having always good faith in the arab he as usual put them for sale publicly in his shop at Bombay when he was suddenly seized by the police his shop confiscated and he was sentenced to transportation.¹⁰²

Other convicts admitted that they had committed particular offences. A few convicts stated that they had been transported for robbery. The convict Kehuree said that he had been involved in a robbery¹⁰³ as did Kallouah. Maddow claimed that he had burgled a house and stolen money.¹⁰⁴ Assan Ibrahim said that he had been 'accused of having committed a theft to the prejudice of a native of Bombay who lived in the same house as himself and was found guilty'.¹⁰⁵ Kissaour, Mooteeah, Muswashee and Ruttuna stated that they were transported to Mauritius for taking part in a plot to revolt.¹⁰⁶ An analysis of the indents shows that these men had been involved in the riots at Alipore Jail in 1815. Their later statement thus shows that they had a clear awareness of the reason for their transportation. Another convict named Cassal stated that he was sentenced to transportation after having been taken prisoner by the

¹⁰⁰ MA JB211. Trial of Mookteram Goindah. Evidence of the Court of First Instance, 3rd April 1830.

¹⁰¹ MA JB225. Trial of Gopaul. Interrogation of Gopaul, Court of First Instance, 7th May 1830.

¹⁰² IOL P.400.27. Petition of Ootae, Allac, Tayet, Achom, Apps, Avon, Ahon, Acum, Achon, Finguorn, Ayon & Agnait - natives of China and merchants trading in Mauritius, 15th April 1829. BomC&J, 24th June 1829.

¹⁰³ MA JB136. Trial of the Boisgard Convicts. Evidence of the Court of First Instance, 5th May 1820.

¹⁰⁴ MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance, 13-16th August 1817.

¹⁰⁵ IOL P.403.20. The Petition of Assan Ibrahim, 16th May 1843. BomC&J, 26th July 1843.

¹⁰⁶ MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance, 13-16th August 1817.

English for being a soldier in the service of the King of the Marathas.¹⁰⁷ There is no such offence recorded in the indents. Cassal may have been inventing a rather fanciful past for himself. However, it is not unlikely that he was a captured Pindari mercenary, tried for a crime against property.

Other convicts testified that they had been involved in what they referred to as 'disputes'. Nacta stated that he had been transported to Mauritius for an argument he had with his wife.¹⁰⁸ Ramsou, Ruttunah, Sabdhar and Torree claimed that they had each been involved in arguments.¹⁰⁹ Kalissard and Jaucoule also stated that they were condemned for having been involved in disagreements¹¹⁰ as did the Bombay convict Nallaqui.¹¹¹ Maumray and Sadut-Kan stated that they were transported for having been involved in a fight.¹¹² Judea stated that he had been involved in an affray during which several people had died.¹¹³ Petitioning for his return to India in 1851, the liberated convict Sadut claimed that he had been convicted as a result of 'false evidence':

in the year 1811, being then 26 years of age, he, unfortunately became mixed up in an affray which took place on the road (as frequently happened in many parts of India at that period), between two troops of young men of neighbouring villages ... That this fact was represented to the District authorities in a totally different light; and the Court being deceived by false evidence, found your Petitioner guilty of highway robbery, and sentenced him to transportation for life.¹¹⁴

¹⁰⁷ MA JB180. Trial of Cassal. Interrogation of Cassal, Court of First Instance, 27th June 1827.

¹⁰⁸ MA JB133. Trial of Nacta & Kalloo. Evidence of the Court of First Instance, 6th October 1820.

¹⁰⁹ MA JB136. Trial of the Boisgard Convicts. Evidence of the Court of First Instance, 5th May 1820.

¹¹⁰ MA JB160. Trial of Jaucoul & Kalissard. Evidence of the Court of First Instance, 19th February 1824.

¹¹¹ MA JB270. Trial of Nallaqui. Evidence of the Court of First Instance, 23rd July 1834.

¹¹² MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance, 13-16th August 1817.

¹¹³ MA JB167. Trial of Judea. Evidence of the Court of First Instance, 19th November 1825.

¹¹⁴ MA RA1149. The petition of Sadut, 13th March 1851. J.A. Lloyd, the Civil Engineer, confirmed that Sadut had been convicted of highway robbery and had been liberated in 1844.

Sadut's claim, that what was essentially a fight between two villages was 'represented to the district authorities in a totally different light', is extremely significant. He was found guilty of highway robbery: what he described as a frequent if unfortunate event. Given that *zamindar* authority had been seriously undermined during this period, it is possible that he was engaged in *dacoities* connected with disputes over land, which was indicated by the reference to an affray between young men of rival villages. This may also have been true of the other convicts who claimed that they had been transported for their involvement in disputes.

The origins of the convict women

Very little is known about the origins of the six convict women transported to Mauritius. Mussomaut Bhuroveeram, an *adivasi bauri*, was transported for life from Nadia for 'robbery attended with personal violence'.¹¹⁵ Nadia was subject to widespread anti-*zamindar* feeling during this period, after new fiscal arrangements forced small landholders to raise rents.¹¹⁶ As an *adivasi*, Mussomaut Bhuroveeram was undoubtedly affected. The Bombay convict Ragoo was also transported for life in 1834. She was also an *adivasi*: a *kung*. Although the records show that she was convicted of murder, there are no other details of the offence.¹¹⁷ The origins of the convicts Fuckur and Valley, who were also transported from Bombay, were not recorded at all.¹¹⁸ The last female convict to be transported to Mauritius, Out Eau, was convicted for 'concealment before and after the crime of murder'.¹¹⁹ This was probably a veiled reference to the crime of infanticide. Similarly, the female convict

¹¹⁵ IOL P.132.13. List of convicts *per Susan*, 20th October 1815. BenC&J, 20th November 1815.

¹¹⁶ McLane, 'Bengali Bandits', p.35.

¹¹⁷ IOL P.401.1. List of convicts *per Sarah*, 24th June 1834. BomC&J, 25th June 1834. See also her petition for liberation in MA RA1148. The Petition of Ragoo, a Female Convict, 13th January 1851.

¹¹⁸ PRO CO167.287. Report of the Committee appointed to inquire into the present state of the Indian Convicts and the most expedient mode of employing them now that the effectives are so reduced in number, 20th July 1847.

¹¹⁹ IOL P.401.26. List of convicts *per Palmira*, 14th April 1836. BomC&J, 20th April 1836.

from Ceylon, Hude, was tried with her husband Nial Gullia Lokuralle, their daughter Hamy and her husband Allutgedere Punchyralle, of burying alive Hamy's new born twins. Hamy and Punchyralle were acquitted, but Hude and Lokuralle were sentenced to hang, a sentence which was later commuted to transportation for life.¹²⁰ It is unclear why the death sentence was not implemented: it may have been the result of an unwillingness to hang a female.

An analysis of the origins of the convicts is significant at a number of levels. The systematic nature in which statistics were recorded is suggestive of efforts to record a subject population, although it was not always successful. At the same time, British expansion in India at the turn of the eighteenth century led to widespread socio-economic dislocation: soldiers, landlords and peasants were all affected. Certain 'criminal' acts - such as *dacoity*, robbery and plundering - by increasingly marginalised social groups were responses to these dislocations. However, Company administrators constructed the convicts as 'desperate' characters by nature, not circumstance. By removing them from the realms of decent society, their actions were understood as those of a criminal community and the East India Company conveniently absolved of all social responsibility. The implications of this were to be reproduced for many years to come, culminating in the nineteenth century with the Criminal Castes and Tribes Act of 1871.

¹²⁰ MA RA59. Letter from George Lusignan, Secretary Kandyan Provinces, to G.A. Barry, 13th May 1825, enclosing the Warrant for the transportation of Nial Gullia Lokuralle and his wife Hude to Mauritius, 10th October 1822.

CHAPTER THREE

'DISCIPLINARY TECHNOLOGY' AND THE CONVICT SYSTEM: RHETORIC V REALITY

Transportation to Mauritius was part of a humanist penal agenda into which various socio-economic factors peculiar to the Indian sub-continent were integrated. The imperatives for convicts in Mauritius also reveal the socio-economic and political agendas of the British authorities there. However, although transportation itself was, in an ideal sense, a humanist punishment, the actual management and functioning of the convict system in Mauritius embodied much of the language of disciplinary technology. It was believed that convicts were cut off from former social networks, through their removal from India. This, together with regular work and strong discipline, would supposedly effect their moral improvement.

Thus, William May, a Judge at the Mauritian Court of Assizes, saw transportation of Indian convicts to Mauritius, rather than to the East India Company's penal settlements, as severing their 'criminal connections': 'their seclusion from any of their past or from any people speaking their language is more complete, than when transported to the islands of India, and consequently their vicious habits and associations more completely broken'.¹ At the same time, convicts were produced as highly visible penal signs, becoming in turn individual objects to be rendered into docile working bodies: 'to be subjected, used, transformed and improved'; that is, rearranged by a machinery of power.² The 'reforming endeavour' of transportation thus ordered both 'active and laborious servitude' and 'strict and salutary discipline'. Governor Farquhar wrote in 1818:

The spirit of British rule is averse to Sanguinary punishments - it endeavours to reform, and not to exterminate mankind, and to lessen the necessity of resorting to Capital punishments - the introduction of hard labour - for a limited term of years, or for Life, has been substituted, in every case where this alternative can be resorted to with safety.

¹ MA RA151. Letter from W. May, Judge of the Court of Assizes, to R.T. Farquhar, 6th September 1820.

² Foucault, *Discipline & Punish*, p.136 and Dreyfus & Rabinow, *Michel Foucault*, pp.153-4.

Public works were seen as integral to the 'reclamation' of offenders. Farquhar himself stated that work should be extracted from the convicts 'in proportion to their moral reformation', calculating this at 'nine or ten hours of hard labour daily'. He went on that 'this should be most strictly and invariably required - no leisure should be left for idleness, to plan new crimes', continuing:

Hard labour has ever been found of the most beneficial effect, in the correction of crimes - that by these means the most hardened have been gradually reclaimed and reformed - that reformation is never to be despaired of.

Correspondingly, a 'strict and salutary discipline' was necessary to enforce the sentence of hard labour. Such discipline included punishments for secondary offences and incentives for good behaviour.³ Punishments would not 'ordinarily' exceed twenty-five lashes or solitary confinement for up to two weeks at a time. In a clear indication of the importance of incentives for the successful operation of the convict system, it was also said that the convicts' treatment should depend upon their conduct: 'so that those who are laborious, decent, orderly, and respectful, may benefit proportionately'.⁴ This combination - removing, working and disciplining convict bodies - was perceived as key to the success of transportation as both a penal and an economic strategy.

There has often been a failure to correlate the relationship between discourse, practice and effect in analysing social practices and historical relationships, however.⁵ As Michael Ignatieff has argued in the context of nineteenth-century

³ There are strong parallels here with the 'carrot and stick' management used in the Australian colonies. See Hamish Maxwell-Stewart, ' "I could not blame the rangers"; Tasmanian Bushranging, Convicts and Convict Management', *Tasmanian Historical Research Association; Journal & Proceedings*, 42, 3 (1995), pp.109-27 and 'Convict Workers, 'Penal Labour' and Sarah Island: Life at Macquarie Harbour, 1822-1834', in Duffield & Bradley (eds), *Representing Convicts*, pp.142-62.

⁴ PRO CO167.41. Despatch from R.T. Farquhar to Lord Bathurst, 18th July 1818, enclosing a Minute on the Employment of the Convicts at Mauritius.

⁵ Barry Smart, *Foucault, Marxism and Critique* (London, Routledge & Kegan Paul: 1983), pp.93-4. Smart points out that this is quite different from the Marxist formulation of a possibly correspondent relationship between theory and practice.

prison reform, there was frequently a gulf between rationalising penal intentions and institutionalised results.⁶ In Mauritius, the discourse of disciplinary technology was an attempt to persuade the Indian authorities of the penal success of transportation, in order to assure a further supply of men to meet labour imperatives. This rhetoric was, though, often far removed from the practices of convict management. The system did not operate on the strict discipline and segregation which colonial rhetoric claimed. Although transportation was essentially a coercive labour system, the system as a whole could not operate effectively on coercion alone. In practice, although labour was extracted from the convicts, their surveillance often left much to be desired. Convicts themselves were also integrated into a hierarchy of command. The idea that in reality they became segregated, docile, labouring bodies through their transportation to Mauritius was, in essence, a convenient myth.

The Convict Department

The first convicts to arrive in Mauritius in 1815 were each given a number and placed under the control of Maître Virieux, the Procureur Général and Chief of Police. They were unchained except for a single ring, which served to produce each convict as a penal sign: 'a distinguishing mark of their conviction'.⁷ The convicts were initially guarded by a combination of government slaves and British soldiers.⁸ One floor of the old civil hospital at Grand River, which had been closed in 1787 and had since remained empty, became their barracks.⁹ The men were then divided

⁶ Michael Ignatieff, 'State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment', in S. Cohen and A. Skull (eds), *Social Control and the State* (Oxford, Oxford University Press: 1983), p.83.

⁷ MA Z2A7. Letters from R.T. Farquhar to J.M.M. Virieux, Procureur Général & Head of Police Department, 30th November & 23rd December 1815.

⁸ MA RA68. Letter from E. O'Brien, Civil Engineer & Surveyor General, to E.A. Draper, Chief of Police, 11th December 1815.

⁹ MA RA73. Letter from W. Burke, Chief Medical Officer, to G.A. Barry, 11th April 1816. For a history of the civil hospital, see L.H. de Froberville, *La Grande-Rivière de Port Louis: Souvenirs et Paysages* (Port Louis, Mauritius, General Printing & Stationary Company Ltd: 1933), pp.35-6.

into two large groups and put to work, repairing the Port Louis to Grand River and Grand Port roads.¹⁰

The lack of pre-1826 records prevents accurate estimations of the Indian population of Mauritius before the arrival of the convicts. However, the first census in 1826 found 14,000 Indians, Chinese and creoles on the island. It is impossible to say exactly how many of this group were Indians, but given the island's history as a slave colony, the assumption must be the creoles were the dominant component of this composite census category. Certainly in 1826 Indians were a small minority in a population totalling 86,000.¹¹ When the first convicts arrived in Mauritius, they were thus a relatively distinct group.

In this sense, the convicts did not require a demarcating uniform, particularly as they were made to wear an iron ring around their ankle. Of course, many were also tattooed on the forehead: 48% of the Bengal convicts who had arrived in Mauritius by 1818 were marked with their name, crime and date of sentence by this process, known as *godena*.¹² In the years before indentured Indian immigration accelerated, the convicts were thus easily recognisable, produced as 'other' to the slave, apprentice, creole and white European population. They were permitted to wear their own clothing, with the Civil Storekeeper issuing them a new piece of white cloth every three years. The convicts, wearing *dhotis* (loin cloths), sometimes turbans and also waistcoats and scarves, became a familiar sight on the island. As Bernard S. Cohn has argued in the context of nineteenth-century Bengal, there was a 'symbolic separation' of the Indian population through dress.¹³

¹⁰ MA RA66. Letter from E. O'Brien to G.A. Barry, 5th December 1815.

¹¹ PRO CO172.42. Baron d'Unienville, *Tableaux de Statistiques*, tableau no. 6.

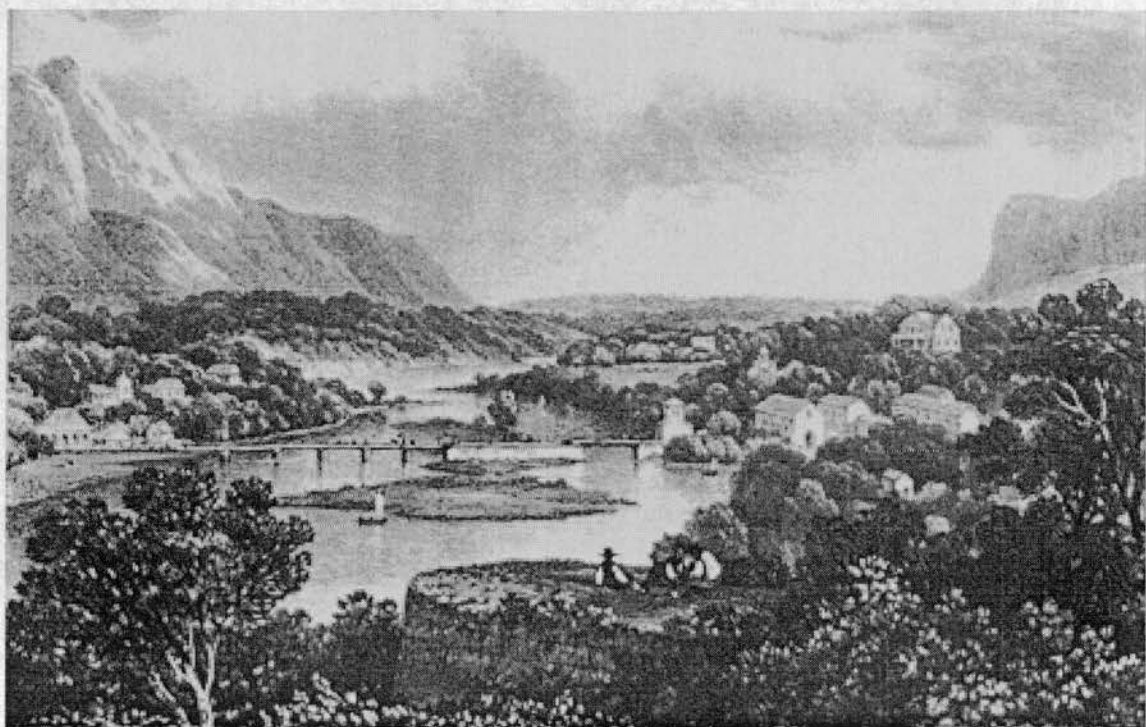
¹² Data compiled from an analysis of the physical descriptions of the convicts in the ship indents (IOL P.BenC&J series).

¹³ Bernard S. Cohn, *Colonialism and Its Forms of Knowledge; The British in India* (Princeton, Princeton University Press), p.111.

Plate II



T.E. Bradshaw, *Village of Grande Rivière* (1832)



T.E. Bradshaw, *Grande Rivière Looking South East* (1832)

Shortly after the arrival of the first convicts, in January 1816, Governor Farquhar issued Proclamation 193. By this, convicts came under a new government department, a branch of the Police Department. The head of the new department was charged with ensuring that the convicts were fed, clothed and put to labour exclusively on public works. Like government slaves, the convicts were not to work on Sundays or public holidays and were to be treated in hospital when the need arose. Any change in their condition or state could not be effected without the authorisation of the Governor. Minor infractions were to be punished by the convict overseers. The convicts were also made subject to the laws of the colony and could be tried before its courts. Thus the Convict Department came into existence, under the charge of Captain Francis Rossi, who had been Farquhar's aide-de-camp since 1811.¹⁴ Its headquarters were established at Grand River, where they remained until the last convicts were liberated in 1853. Rossi was also allocated a clerk and two peons together with ten soldiers as convict overseers: two sergeants, two corporals and six privates.¹⁵

Regulations regarding the punishment of the convicts were also clearly laid out by the end of 1817. Their crimes were to be punished either by sentence of the Police Correctionelle (Court of Summary Jurisdiction) or, if more serious, by the Court of Assizes. Desertion by the convicts lasting less than fourteen days was to be punished by thirty lashes, those longer than fourteen days by fifty. If a convict was absent above a month, the Governor was to make a special judgement. The 'disobedience' of convicts to overseers, refusal to work or 'going slow' in labour tasks with 'no desire to do better' and minor offences between them, such as theft, were to be punished on the orders of the overseers by between twenty-five and fifty lashes.

¹⁴ Rossi entered the British army as ensign in the Anglo-Corsican battalion in 1795. He left Mauritius in 1823, taking up a post as Superintendent of Police in New South Wales, where he later became a Sydney magistrate. A.G.L. Shaw & C.M.H. Clark (eds), *Australian Dictionary of Biography: Volume II, 1788-1850* (Melbourne, Melbourne University Press: 1967), pp.399-400.

¹⁵ *Recueil Complet des Lois et Réglemens de l'île Maurice, ou île de France, Tome Premier: Cinquieme Partie* (Port Louis, Mallac: 1823), Proclamation 193, 24th January 1816.

All punishments above twelve strokes were to be inflicted in the presence of a surgeon. Moreover, as a lesson for all in convict discipline, floggings were administered in the presence of either all the convicts at the Grand River headquarters or the punished convict's working party.¹⁶

As more convict ships arrived after 1816 and the number of convicts increased, they were further divided into three working parties on the roads.¹⁷ Other men were exclusively employed in quarrying stone and building a new canal.¹⁸ Some were diverted to work in Port Louis after the town was partly destroyed by fire in 1817, where one of their main achievements was to level the site for the new bazaar.¹⁹ Quarrying and navigating on the canal were eventually suspended and two hundred and eighty convicts were put to work in rebuilding the town. They were:

Indispensably necessary in removing the ruins of the old town emptying the exposed cellars and caves, which harbour water, and decayed grain, and other nuisances, that would otherwise have become putrid, and occasioned disease - and in clearing the spaces, for making the new streets, and performing other important works, for the formation of the new town ... the removal of the wreck of the destroyed streets, and the formation of a principal part of the new, and more regular town, constructing amidst the ruins.²⁰

By September 1816 the military barracks at Grand River had been repaired for the convicts' use and they were transferred there from the old civil hospital.²¹ However, with the arrival of more convict ships, by the end of 1817 the barracks became extremely overcrowded. Up to 600 convicts were confined in a space sufficient for

¹⁶ PRO CO415.15. Memorial of R.T. Farquhar, 28th October 1817.

¹⁷ MA RA71. Letter from E. O'Brien to G.A. Barry, 8th January 1816.

¹⁸ MA RA93. List of convicts originally attached to the quarry at Parc aux Boeufs, 6th August 1817 and MA RA107. Weekly Report of Convicts Employed on the Public Works, 27th April-2nd May 1818.

¹⁹ MA RA106. Letter from F. Rossi to G.A. Barry, 5th April 1818. 200 convicts were diverted from the roads to work on the bazaar during another intensive three day period of labour.

²⁰ MA RA92. Letter from C.H. Tuleman, Civil Engineer, to G.A. Barry, 5th May 1817 and PRO CO167.41. Letter from R.T. Farquhar to Lord Bathurst, 18th July 1818.

²¹ MA RA78. Letter from D. Mackay to G.A. Barry, 12th September 1816.

208 men, with this having been calculated on the basis of giving each convict just a fourteen inch breadth in which to sleep.²² Nearly half of the convicts thus had 'no other resting place but a bare brick floor to lay upon'.²³

As a result, fears were raised about the potential threat which the convicts posed. With such a large body of men confined in such a small space, rebellion was feared. Accordingly, the Franco-Mauritian dominated *Conseil de Commune* (council) was called upon to decide upon their safer dispersal. Although a minority of the *Conseil* wanted the convicts returned to Bengal, their division into small working parties, allocated to work on the roads and bridges of the *quartiers* (country districts), was decided on. It was hoped they would be 'less dangerous' there, if placed under the 'same level of discipline' as in Port Louis.²⁴

Convict management and maintenance expenses initially came from the 'maroonage fund' which had always been paid by the inhabitants to keep the highways in order and facilitate the apprehension of slave maroons.²⁵ Previously, the inhabitants had also been under the obligation of providing *corvée* labour at the rate of three days per slave per year. However, this had never been strictly enforced. On assuming temporary governance when Farquhar left Mauritius in 1817, the Acting Governor, Major-General Hall, threatened strict enforcement, if the inhabitants did not agree, in lieu of providing *corvée* labour, to assume financial responsibility for the maintenance of the convicts in their *quartier*.²⁶ In this way, the convicts met the labour shortage on the public works around the island, while colonial government largely avoided the cost.²⁷

²² MA RA99. Letter from F. Rossi to G.A. Barry, 5th December 1817.

²³ MA RA109. Letter from F. Rossi to G.A. Barry, 16th January 1818. Such overcrowding almost certainly contributed to the outbreak of cholera amongst the convicts in 1816 (see chapter one).

²⁴ MA HC29. Troisième Seance du *Conseil de Commune*, 15th December 1817.

²⁵ PRO CO167.29. Despatch from R.T. Farquhar to Lord Bathurst, 1st November 1816.

²⁶ PRO CO167.37. Despatch from Major-General Hall to Lord Bathurst, 28th January 1818 and PRO CO167.41. Minute on the Employment of Convicts in Mauritius, 18th July 1818.

²⁷ PRO CO167.41. Despatch from R.T. Farquhar to Lord Bathurst, 18th July 1818.

This arrangement was formalised in January 1818 when the convicts were divided into eight district parties constituted of between forty and eighty men each.²⁸ They were to be employed in building and repairing the roads and bridges in the districts: it was said that the convicts would 'contribute materially' to the opening of new communications throughout the island. At the same time, a street party was formed to work exclusively on public works in Port Louis.²⁹ With a few exceptions, this was the basis for the organisation of convict labour over the next thirty-five years.

A permanent camp remained at Grand River as the Convict Department headquarters and to lodge those convicts who were working on public works projects nearby. The huts there were made out of mud with straw roofs and were about three feet high.³⁰ The remainder of the convicts were lodged in temporary 'flying camps' in the district in which they were working. These consisted of huts made out of dried grasses³¹ and were usually built on private property.³² In Port Louis the street party was lodged in the old army barracks at Trou Fanfaron, in the north of the town.³³ Orders were given that a 'strict surveillance' be kept over all the convicts and that if for any reason those from the *quartiers* went to Port Louis, they were to spend the night in Trou Fanfaron³⁴

In 1817, Hall made a biting critique of his predecessor's administration. He claimed that instead of working exclusively on public works projects, as had been initially agreed, Farquhar had allocated the convicts to private individuals. This, he stated, was a 'squandering of public funds'.³⁵ A return of 1817 confirms Hall's claim. By

²⁸ PRO CO415.15. Letter from G.A. Barry to F. Rossi, 14th January 1818.

²⁹ PRO CO167.29. Letter from R.T. Farquhar to Lord Bathurst, 1st November 1816.

³⁰ MA JB337. Trial of Limbah Poonjah. Evidence of the Court of First Instance, 17th March 1843.

³¹ MA RA498. Letter from W. Staveley to G.F. Dick, 8th May 1833.

³² MA Z2A127. Letter from J.A. Lloyd, Surveyor General, to G.F. Dick, 4th May 1840.

³³ MA RA566. Letter from J.A. Lloyd to G.F. Dick, 25th March 1837.

³⁴ MA RA708. Letter from H.J. Savage, Civil Engineer, to G.F. Dick, 23rd February 1842.

³⁵ PRO CO167.47. Despatch from Major-General Hall to Lord Bathurst, 28th May 1819.

May 1817, 239 convicts (over a quarter of the total transported to the island by then) had been privately assigned. This figure had fallen somewhat by July of that year, to 187 men, still a substantial number.³⁶ Hall claimed that the allocation of convicts to private individuals was even more objectionable as it had been made on the basis of personal and political favours. True enough, faced with a potentially hostile Franco-Mauritian community, the allocation of convicts to a labour-hungry plantocracy was one way that Farquhar could win acquiescence in British rule from this element. Indeed, when convicts were allocated to individuals, they paid the paltry sum of \$3 (piastres) per month for the hire of each man, a clear example of state subsidy of plantation labour.³⁷

To illustrate the private assignment process, in March 1817, M. Marcenay, who had a plantation at Baie du Tombeau, wrote of the problem of labour shortages in Mauritius. Marcenay claimed that the abolition of the slave trade had left him without enough labour to cultivate his land. He requested six convicts, stating that if they were allocated to him it would improve his confidence in the British government.³⁸ In June of that year he received ten men.³⁹ Similarly, Baron d'Unienville, the Colonial Archivist, requested convict labourers to pick fruit on his plantation. His petition urged that 'les Indiens sont particulièrement propres' for this task.⁴⁰ D'Unienville was furnished with twelve convicts shortly afterwards.⁴¹

³⁶ PRO CO167.40. Return showing the number of convicts employed with individuals during the months of February, March, April, May, June and July 1817.

³⁷ MA RA102. Letter from W. Barclay, Director of Internal Revenues, to G.F. Dick, 13th January 1818. Between 1810 and the mid-1820s, the amount of sugar cane planted more than doubled. Nigel Worden, 'Diverging Histories: Slavery and its Aftermath in the Cape Colony and Mauritius', *South African Historical Journal*, 27 (1992), p.11.

³⁸ MA RA89. Petition from M. Marcenay to R.T. Farquhar, 22nd January 1817.

³⁹ PRO CO167.40. Return showing the number of convicts employed with individuals during the months of February, March, April, May, June and July 1817.

⁴⁰ MA RA89. Petition from Baron d'Unienville to R.T. Farquhar, 7th April 1817.

⁴¹ PRO CO167.40. Return showing the number of convicts employed with individuals during the months of February, March, April, May, June and July 1817.

As a result of Hall's enquiry, however, in February 1818 all the convicts who had been placed in the service of private individuals were called back to the Convict Department's headquarters at Grand River. They were put to work with the other convicts in the *quartiers*, on the streets of Port Louis and on the 'important labours' of the quay and the canal.⁴² Convicts were subsequently employed almost exclusively on public works projects or in the Convict Department. Suggestions that convicts be diverted from the roads to transport sick Europeans to hospital during the 1819 cholera epidemic, for example, were ignored.⁴³

The Department of Roads and Bridges

The Convict Department was reorganised on September 1st 1823, becoming the Department of Roads and Bridges. Lieutenant Colonel William Staveley, a commander of the Royal Staff Corps detachment on the island at the time, was placed in charge.⁴⁴ The appointment of Superintendent of Convicts, previously held by Rossi, was abolished, as were several overseers' posts. They were replaced by the cheaper non-commissioned officers of the Royal Staff Corps⁴⁵ who received \$4 per month in addition to their regimental pay.⁴⁶ The Department of Roads and Bridges was henceforth composed of a chief overseer (William Clover), a clerk, four 'first class' overseers and six 'second class' overseers. The clerk and chief overseer were stationed at the Grand River headquarters. The remaining overseers supervised the working parties in the districts.

This reorganisation was designed to produce an annual saving of \$377.25. Staveley was paid £260 p.a., the lieutenants on the roads £104 p.a., the chief overseer £55, the 'first class' overseers £36, the 'second class' overseers £28 and the remaining

⁴² MA RA138. Governor's Minute, 10th February 1818.

⁴³ MA RA130. Letter from F. Rossi to G.A. Barry, 4th June 1819.

⁴⁴ MA RA306. Governor's Minute no.18, 1st September 1823.

⁴⁵ PRO CO172.43. Annual Statements & Report 1823 (Blue Book 1823).

⁴⁶ PRO CO167.67. Despatch from Governor Sir Lowry Cole to Lord Bathurst, 30th August 1823.

overseers £9.12 p.a. each.⁴⁷ Of the overseers, William Clover had been a sergeant in the 22nd Regiment; William Chandler came to Mauritius from the Cape of Good Hope; William Blackburn had been a corporal in the 22nd Regiment; and, William Flemming had been a lance corporal in the 82nd Regiment.⁴⁸ Some had served in Bengal. George Woods, for example, had 'a thorough knowledge of the Hindoostan language',⁴⁹ a pigeon language widely understood across many North Indian linguistic communities. James Hewett and James Whitty also spoke 'the language'.⁵⁰ Others, such as Henry Pung, were married to Indian women.⁵¹

At the same time, a new circular was issued, with 'Instructions for the Officers in charge of working parties, relative to the Employment and Discipline of the Convicts'. It was reaffirmed that the convicts should be employed in public service only, with their hours of work from daybreak until 4pm in summer and 3pm in winter. They were to finish work at 12pm on Saturdays to wash their clothes and bedding and on Sunday morning's inspection 'they are to appear perfectly clean in their persons and dress'. This underlined the importance of hygiene which at the same time had labour efficiency implications. As Frederick Cooper has argued in the African context, this was an attempt to induce workers into adapting the rhythms of capitalism: steady, regular and controlled work.⁵²

Two men were allowed to bring water for the use of the convicts in each working party, and the same two men were to cook for the overseers, with another man left in charge of the huts. In an attempt to ensure that the convicts were kept at hard labour,

⁴⁷ PRO CO172.47. Civil & Judicial Establishments for 1827 (Department of Roads & Bridges) (Blue Book 1825-7).

⁴⁸ MA IB9.14. Original Evidence Given Before the Commissioners of Inquiry, 5th, 6th & 8th February 1827.

⁴⁹ MA RA770. Letter from J.A. Lloyd to G.F. Dick, 12th June 1840.

⁵⁰ MA RA567. Letter from W. Staveley to G.F. Dick, 25th November 1837.

⁵¹ MA Z2A29. Letter from J. Finniss to G.A. Barry, n.d.

⁵² Frederick Cooper, 'Colonizing Time: Work Rhythms and Labor Conflict in Colonial Mombasa', in Nicholas B. Dirks (ed.), *Colonialism and Culture* (Michigan, University of Michigan Press: 1992), pp.209-45.

with the exception of these three men, the convicts in each party were to be continually employed on the roads. However, this did not prevent overseers from sending men on duties 'essential to the service of the department', such as 'the conveyance of the sick, of rations, of letters on service, and of tools'.

Rations for the different parties were supplied from Port Louis every ten days. They consisted of rice, *dal* (lentils), *ghee* (clarified butter), saltfish, salt and firewood. Each convict received a new piece of cloth each year. Tin measures, one equal to eight men's rations, the second to four and the third to one ration, were also issued and used to distribute provisions. The convicts' rations were later increased, after a report in 1829 stated that their allowance of rice was insufficient. The newly arrived convicts complained that their daily ration was not enough for breakfast and an evening meal.⁵³ The lack of seasoning other than salt and any fresh food (such as fruit) in these food rations strongly suggests a motive for convicts supplying themselves with such items through theft and/or contraband trade.

Convict rations were indeed items of exchange. In early New South Wales convict rations were frequently sold or exchanged for either money, tobacco or spirits. An illegal economy thus developed 'almost as soon as the first rations were issued'. In Australian penal stations, rations remained items of contraband trade throughout the convict period.⁵⁴ Likewise, in Mauritius, an economy of exchanging government-issued rations was established from the beginning of transportation there. The convicts were explicitly forbidden to sell goods to the slaves.⁵⁵ Action was also taken to try and prevent them from 'pilfering their rations'. However, convict rations, including tobacco, rice and saltfish, were frequently bartered or sold to slaves and

⁵³ MA RA414. Letter from W.L. Melville, Government Inspector, to G.A. Barry, 5th August 1829.

⁵⁴ Richard Walsh, 'The Birth of Bushranging in New South Wales; Its Meanings and Contexts in a Contested Landscape, 1788-1810', M.Sc. thesis, University of Edinburgh (1996), p.10.

⁵⁵ MA JA51. Police Correctionnelle, 16th September 1834.

other social groups on the island. At the same time, other transactions were made, including such items as poultry, cloth, clothing, sugar or liquor. The authorities were clearly aware of this. To curb pilfering of rations, the 'utmost vigilance' was to be employed.

The 1823 Circular also instructed overseers not to interfere with the 'religious habits or prejudices' of the convicts. A place for the cremation or burial of dead convicts was to be allotted and in cases of sudden or unnatural deaths, a report was to be made by the Civil Commissary. Reports of 'extraordinary circumstances' were to be reported to the Department of Roads and Bridges headquarters, together with a weekly return of the work executed the preceding week.⁵⁶ Further orders were to be issued from the head of the department and communicated in written form to the convict overseers.⁵⁷ By 1823, there was also an elaborately articulated sense of the importance of 'discipline' to the operation of the convict system. A description of the duties of its personnel clearly illustrates this:

The duties of the General Superintendent consist in due attention to the interior economy and discipline of the Convicts - he should know that they perform the work required of them ... The chief overseer [is] charged with the immediate Surveillance of the overseers and men of the Depot at Grand River ... The overseers are entrusted with the immediate surveillance of the Convicts employed on the roads in the different Districts of the Island - Their duties are extremely arduous, as in order to preserve Discipline and ensure the performance of the Labour required - they are with the convicts day and night, and are consequently much exposed to the Weather and Heat of the Sun. The overseers must be extremely vigilant at night to prevent the Convicts dispersing themselves in the Country which might easily be done as they are Huttet in open Camps.⁵⁸

⁵⁶ PRO CO415.15. Instructions for the Officers in charge of working parties, relative to the Employment & Discipline of the Convicts, 24th September 1823.

⁵⁷ MA IB9.14. Original Evidence Given Before the Commissioners of Inquiry, 5th February 1827.

⁵⁸ PRO CO172.44. Establishment of the Convict Department for 1823 (Blue Book 1823).

In an indication of his linguistic ability, William Clover, the chief overseer, was also to be an interpreter in the investigation of any complaints. The three first class overseers were each responsible for specified districts and were to tour the convicts working there. The second class overseers actually stayed in the convict camps and thus had 'immediate surveillance of their conduct and employment by day and night'. They reported 'all extraordinary's' (sic) to the first class overseer in charge of their district.⁵⁹

Arrangements for the treatment of sick convicts followed the precedents set for government slaves. After 1823, a Government Surgeon was appointed in each district and placed in charge of its government slaves and Indian convicts. They were required to make regular visits to the convict camps and to report on health to Grand River.⁶⁰ Two wards were reserved for convicts in the civil hospital, where they were attended by 'old invalid convicts' who were judged more useful there than in the working parties on the roads.⁶¹

At first convict lepers were kept in isolation at Grand River.⁶² However, in 1823 it was decided that, like slave lepers, they should be sent to the island of Diego Garcia. It was believed that the ample supply of turtle meat obtainable there could ameliorate if not cure the disease.⁶³ After 1829, Isle Curieuse in the Seychelles (a Mauritian dependency) was transformed into a leper colony, and all the leprous slaves and convicts were transferred there.⁶⁴ Not only was Isle Curieuse closer to Mauritius

⁵⁹ PRO CO167.124. Commissioners of Eastern Enquiry 1828, volume I. Mauritius Finances & Establishments. Appendix 31: Returns of the Duties Performed by Each individual in the respective departments of the colonial government at Mauritius 1827 (no.9).

⁶⁰ PRO CO172.49. Civil & Judicial Establishments for 1827 (Medical Department) (Blue Book 1826-9).

⁶¹ MA RA567. Memorandum showing the several duties for which the servants are required for the Civil Hospital, 3rd September 1837.

⁶² MA RD43. Letter from G.A. Barry to F. Rossi, 27th April 1823.

⁶³ MA RA231. Letter from W. Burke to G.A. Barry, 27th October 1823.

⁶⁴ PRO CO167.107. Despatch from Governor C. Colville to Lord Murray, 20th May 1829.

than Diego Garcia but it too had an abundance of supposedly therapeutic turtle.⁶⁵

The treatment of the lepers at Curieuse was outlined by the Government Agent there:

Those individuals capable of working ought to be employed in cultivating the ground whilst their comrades are fishing: from sunrise to 12 noon with 1 hour for breakfast. The rest of their time they might employ as they please and those who wish to have gardens of their own may be permitted to choose any ground they may think proper for that purpose within certain limits which will be pointed out to you ... The lepers are all present at daybreak, noon and at 7pm and you will appoint one or more to keep watch over the pirogues [fishing boats] and attend upon the sick during the night. I recommend treating them with every kindness and indulgence ... and never to have recourse to flogging in any shape or to blows; but content yourself with the mildest methods of enforcing a compliance with your orders - such as extra duty - the Block or imprisonment for limited periods.⁶⁶

By 1847, fourteen convict lepers had either been sent or transferred to Isle Curieuse.⁶⁷ However, once it was realised that turtle meat did not cure leprosy, convict lepers were treated in the civil hospital.⁶⁸ In 1852 the Council of Government decided that the leper establishment at Isle Curieuse should be abandoned.⁶⁹

Convict labour

Although the convicts' trades were not systematically recorded in the ship indents, efforts were made to ascertain their skills and previous work experience upon their arrival. This information was used to allocate convicts to particular labour tasks, including, as will be shown, the silk industry.⁷⁰ Literate convicts were employed as

⁶⁵ PRO CO170.5. Minutes of Council, 8th October 1833.

⁶⁶ PRO CO167.147. Letter from Mr Harrison, Acting Government Agent at Seychelles, to G.A. Barry, 14th September 1829.

⁶⁷ PRO CO167.287. Report of the Committee appointed to inquire into the present state of the Indian Convicts and the most expedient mode of employing them now that the effectives are so reduced in number, July 20th 1847.

⁶⁸ MA RA1118. Letter from W. Burke to C.J. Bayley, Colonial Secretary Mauritius, 26th January 1851.

⁶⁹ PRO CO170.34. Minutes of the Proceedings of the Council of Government, 28th January 1852.

⁷⁰ MA RA240. Letter from F. Rossi to G.A. Barry, 30th May 1823.

'native writers' (clerks). The Bengali Tallekdar, for example, was employed in this capacity in the Convict Department.⁷¹ John Herman Maas, the Dutch-Singalese convict, had previously been a clerk in his native Ceylon. He was thus attached as a personal assistant to William Staveley.⁷² Such clerks translated and wrote various departmental notices which were then posted in the convict camps.⁷³

Colonial officials had a great deal of difficulty in compiling occupational data, however, which had obvious implications for the appropriate allocation of workers.

Rossi wrote in 1823 that:

I consider it necessary to state that the Bengal Government not having noticed in the Lists sent with the Convicts, their Trades and Professions, it has been a matter of great difficulty to ascertain on their arrival here the trade followed by them in their Country. The generality of the Convicts having replied that there were Labourers - and it has been but in time and partly by chance that the artificers now attached to the Civil Engineer's Department were discovered to possess a Trade.⁷⁴

There is very little evidence that convicts were assigned or separated from each other on the basis of their ascribed caste. Indeed, in Singapore, this was seen as a safeguard against convict revolts, as 'one caste would invariably "split" against another'.⁷⁵ However, British officials sometimes took what they perceived to be the significance of caste into consideration when allocating convicts to particular occupational tasks. In 1840, Ramsing, a convict attendant at the civil hospital for twenty years, died. The Surgeon-in-Charge, Alex Montgomery, requested an 'efficient low caste convict of steady habits' to replace him, on the assumption that

⁷¹ MA RA132. Letter from F. Rossi to G.A. Barry, 23rd August 1819.

⁷² MA RA287. Letter from H. Bates to G.A. Barry, 4th July 1825.

⁷³ MA RA915. Report of the Committee on Convicts: Memorandum, 30th August 1847.

⁷⁴ MA RA240. Letter from F. Rossi to G.A. Barry, 30th May 1823.

⁷⁵ McNair, *Prisoners Their Own Warders*, pp.53-4 & 123.

such labour would not be polluting to those of 'low caste'.⁷⁶ Officials also had a clear idea on the nature and importance of the hierarchy between convicts. When departmental notices were to be read, individuals perceived by officials as *brahmins* were thought most suitable for the task.⁷⁷

The convicts from Bengal and Bombay were separated from those from Ceylon, however. After the Ceylon convicts arrived in Mauritius, a directive from London stated that the government there was entitled to employ the convicts on public works.⁷⁸ Once in the colony, the Ceylon convicts were sent to the old Powder Mills in the district of Pamplemousses. A group of political prisoners from Kandy had also been banished to the island from Ceylon and were lodged there.⁷⁹ The convicts were ordered to work as their servants. They were clearly useful, attached to a group of high status prisoners about whom the authorities had little cultural understanding. Two other Ceylon convicts, Deera and Soutra, were 'natives of Batavia' and, as such, worked together as servants for the head of the Convict Department, William Staveley.⁸⁰

There is no doubt that the convicts in Mauritius played an extremely valuable role in building and repairing the roads and bridges of the island, particularly in the context of a massive extension of the area under sugar cane, which was a marked feature of the Mauritian economy in this period.⁸¹ The several petitions from the inhabitants in the districts for an increase in the number of convicts employed there bears witness

⁷⁶ MA RA601. Letter from A. Montgomery, Surgeon-in-Charge of the Civil Hospital, to Charles St. John, Chief Medical Officer, 21st October 1840.

⁷⁷ MA RA915. Report of the Committee on Convicts: Memorandum, 30th August 1847.

⁷⁸ PRO CO55.69. Despatch from Lord Bathurst to E. Barnes, 24th March 1826.

⁷⁹ For details of the Kandyan prisoners in Mauritius, see Millewa Adikarange Durand Appuhamy, *Rebels, Outlaws & Enemies to the British* (Columbo, Sri Lanka, Gunasena: 1990) and *The Kandyans' Last Stand Against the British* (Columbo, Sri Lanka, Gunasena: 1995).

⁸⁰ MA RA387. Letter from W. Staveley to G.A. Barry, 8th December 1828.

⁸¹ In 1825, preferential tariffs on West Indian sugar entering British markets were ended. This boosted Mauritian production: between 1814 and 1832, the proportion of land under sugar cane cultivation rose from 15% to 87%. Worden, 'Diverging Histories', p.11.

to this. The inhabitants of Port Louis petitioned the Colonial Secretary for additional numbers of convicts in 1822, for example.⁸² In 1823, a petition for a party of convicts to build a new bridge in Moka was also received.⁸³ Later that year, the inhabitants of Poudre d'Or requested twenty more convicts to repair the road there.⁸⁴ In 1839, the Civil Commissary and Government Agent in the Seychelles, C.A. Mylius, even expressed his desire that a convict workforce be sent to the island Mahé. However, the declining number of convicts in Mauritius itself meant that his request was denied.⁸⁵

Blue Book statistics on the convicts' achievements are certainly impressive. Between 1823 and 1826, for example, fifty miles of new macadamised road were built and a further twenty-eight miles of old road repaired. These works included the high road from Moka to Port Louis, the Grand Port to Mahebourg road and the road from Plaines Wilhems to Black River. A number of roads in the district of Pamplemousses were also repaired: this was particularly important due to the heavy use of the roads in this district for sugar wagons on their way to Port Louis.⁸⁶ In addition, convicts were employed in repairing bridges all over the island, including Pont Etienne. Particularly important was their contribution to the construction of two new bridges. The first was the Pont Colville, which straddled the river between Port Louis and Moka. It consisted of three wooden arches of forty feet span each and was raised thirty feet above the river bed.⁸⁷ The second was a suspension bridge which was built at Grand River, the first of its kind on the island. Convicts were employed as stone cutters and masons during its construction.⁸⁸

⁸² MA RA201. Letter from E.A. Draper, Civil Engineer, to G.A. Barry, 14th May 1822.

⁸³ MA RA229. Letter from E.A. Draper to G.A. Barry, 21st August 1823.

⁸⁴ MA RA231. Letter from W. Staveley to G.A. Barry, 25th October 1823.

⁸⁵ PRO CO167.212. Letter from C.A. Mylius, Civil Commissary and Government Agent Seychelles, to G.F. Dick, 10th April 1839 and its reply of 31st May 1839.

⁸⁶ PRO CO172.49. Return of all Public Works, Civil and Military Roads, Canals, Bridges, Fortifications &c. now constructing or under repair in the colony of Mauritius on the 31st day of December 1826 (Blue Book 1826).

⁸⁷ PRO CO172.56. Return of Public Works in the Year 1830 (Blue Book).

⁸⁸ PRO CO172.64. Return of Public Works in the Year 1835 (Blue Book).

Plate III



M. Thuillier, *Vue du Pont Etienne sur le Ruisseau du Pouce* (1837)
(MNM)

Another important project on which the convicts were involved was in building the new citadel in Port Louis. During the 1830s, 100 convicts were employed in building the road leading to the fort. They were only withdrawn after a cyclone wreaked havoc on the island at the beginning of 1834.⁸⁹ In 1835, another twenty-six miles of road was prepared for macadamising and thirteen miles were repaired. This was 'independent of a very great number of patched roads throughout the colony'. The works during this year also included the construction of a temporary bridge in Savanne, repairing the bridge at River des Anguilles and constructing a new bridge on the Moka road.⁹⁰ By the late 1840s, the convicts were still largely employed in repairing roads, their tasks including breaking macadam (breaking stones for road metal), quarrying and carting.⁹¹ They were also involved in blasting, levelling and clearing ground, and clearing ditches and the canal. The Port Louis street party was occupied planting trees.⁹²

Some convicts were diverted from public works and assigned as servants to officials in the Department. The Head of the Department and the first class overseers each had a convict to look after their horse. Each second class overseer was assigned a convict attendant whose duties included domestic chores, such as cooking and guarding the overseer's hut when he was away on duty. It was asserted that 'a convict from being under discipline will perform these duties far better than a black, and he is much less expensive to the government'.⁹³ Dhondee alias Juggoo was overseer A. Van Hilten's cook. The 'Portuguese' convict Manuel de Cruz performed

⁸⁹ PRO CO167.204. Dispatch from W. Nicolay to Lord Glenleg, 14th September 1838. This is also discussed by Marina Carter & Joe Chan Chiang, *Fort Adelaide: The Citadel of Mauritius*, unpublished paper presented at the International Conference on Fortifications, Mauritius: 1996, pp.8-9.

⁹⁰ PRO CO172.61. Return of Public Works and Measurement in Running Feet of Roads Repaired &c. by the convicts in the Year 1835 (Blue Book 1835).

⁹¹ MA RA916. Return of Employment of Convicts, July 1848.

⁹² MA RA973. Return of Employment of Convicts, January 1849.

⁹³ PRO CO170.13. Letter from H.J. Savage to G.F. Dick, 18th April 1840.

the same duties for overseer Lamport.⁹⁴ Other convicts worked in the convict wards of the civil hospital. The Bengali Seeta Brahmin was a cook there, as was the Bombay convict Gearnoo Danoo.⁹⁵

As the supply of convicts slowed and then ceased altogether after 1837, many of the convicts, particularly those from Bengal, were becoming old men. Eventually, in 1847 the convicts were divided into 'effective', 'half-effective' and 'invalid', according to medical reports on their physical suitability for labour. All the effective convicts were put to work on the roads, whilst many half-effective or invalid convicts were divided into other non-labour intensive occupations.⁹⁶ It is clear that such convicts were useful in these capacities. Courier work was seen as ideal for 'a certain class of the convicts who are totally unfit for road making of other such laborious work'.⁹⁷ The Post Office employed as couriers after 1849, a dozen no longer fit for road work.⁹⁸ By 1852, their labour was described as 'indispensable'.⁹⁹

Other non-effective convicts were appointed as watchmen of government property. Boychur Poorjah, for example, was the watchman of the Protestant church in Port Louis.¹⁰⁰ Batool, a half-effective convict with a 'bodily infirmity', was the watchman of Government House stables. Two other convicts were placed in charge of the ferry boat in the southern port of Mahebourg.¹⁰¹ Another invalid convict became the watchman of the new government observatory in 1852.¹⁰² Convicts

⁹⁴ MA Z2A96/113. Letters from overseer A. Van Hilten to J.A. Lloyd, 4th April 1836 & 28th November 1838.

⁹⁵ MA RA772. Letter from W.R. White, Chief of Medical Department, to G.F. Dick, 12th October 1842 and MA RA1043. Letter from A. Montgomery to G.F. Dick, 13th November 1849.

⁹⁶ PRO CO167.287. Report of the Committee appointed to inquire into the present state of the Indian Convicts and the most expedient mode of employing them now that the effectives are so reduced in number, 20th July 1847.

⁹⁷ MA RA1006. Letter from S. Brownrigg, Postmaster General, to C.J. Bayley, 19th October 1849.

⁹⁸ MA RA1064. Letter from G.F. Dick to S. Brownrigg, 31st October 1849.

⁹⁹ MA RA1161. Letter from S. Brownrigg to C.J. Bayley, 5th January 1852.

¹⁰⁰ MA RA1132. Committee on Convicts: First General Report, 3rd April 1851.

¹⁰¹ MA RA973. Minute on the Employment of a Convict at Government House Stables, 29th February 1848.

¹⁰² MA RA 1182. Weekly state of Overseers and Convicts, 14-19th June 1852.

were relatively cheap labour and were thus desirable for such work. For the same reason, after 1847 it was also advised that the servants to the officers in the Department of Roads and Bridges should be half-effective men.

Convict overseers

Despite the rhetoric of discipline and control, it was consistently stated that the number of overseers employed by the government was inadequate. Indeed, by 1820, there were just fifteen overseers employed by the Convict Department. This was woefully inadequate for the 663 convicts at work in Mauritius at that time.¹⁰³ Furthermore, it was claimed that most of these overseers neglected their duties and drank to excess. Francis Rossi wrote later that year:

At present there are at most four overseers besides my Chief overseer whom I can place any confidence in, the others being generally careless, inattentive, disobedient to orders and many of them given to drunkenness and when in that state very passionate and tyrannical over the convicts.¹⁰⁴

Overseer Monk was court marshalled in 1818 after it was stated that he was 'in the habit of absenting himself from his party and that the convicts were often dismissed from their work early in the day'. Francis Rossi wrote:

The convicts have no check or superintendence. I sent him back to Grand River, but saw him in Flacq the next day. Monk appears to think himself independent of the superintendence of the dept. ... It is needless to observe that it is impossible to enforce good order and discipline amongst the convicts if an overseer is allowed to speak with impunity in so insolent a manner to his immediate chief.¹⁰⁵

¹⁰³ IOL P.139.32 Numerical Return of Bengal Convicts showing the Casualties that have occurred from the year 1815 to 31st July 1829 inclusive, Department of Roads & Bridges, 31st July 1829.

¹⁰⁴ MA RA137. Letter from F. Rossi to G.A Barry, 14th June 1820.

¹⁰⁵ MA RA108. Letter from F. Rossi to G.A. Barry, 12th June 1818.

Later that year, overseer Leardon was also dismissed. It was found that the convicts under his command 'have done very little work, and been allowed by him to stray in every direction'.¹⁰⁶ In 1819, John Shaw was described as 'an incorrigible drunkard' whose conduct had frequently been 'very reprehensible'. It was stated that 'when in a state of intoxication [he] causes much mischief amongst the convicts and trouble to the department'. He was subsequently sacked.¹⁰⁷ Overseers Clark and Whitman were also dismissed later in 1821. They had been in hospital several times as the result of illnesses brought on by 'extreme drinking'.¹⁰⁸ Overseer Anderson was also dismissed in 1822 for 'repeated intoxication on his part and general bad conduct'.¹⁰⁹ In 1827, the convict Pirhally stated that his overseer did not notice when he removed the iron ring on his ankle. He claimed that nine other convicts in his camp had done the same.¹¹⁰

In 1837, there was an investigation into the circumstances surrounding the injury of a convict who broke his thigh whilst at work. His overseer was absent at the time. The Surveyor General reported: 'It is under strict surveillance and encouragement from the overseers that these men are expected to be taken care of, and this is a disgraceful instance to the contrary'.¹¹¹ Several other convict overseers were dismissed for bad conduct during the 1840s. One of them was found absent from work, having sent a convict under his charge to buy him a flask of gin from the local *cantine* (liquor shop).¹¹² Another had been found 'lying dead drunk on the public road leading from the port of Flacq'. He had been suspended from duty for similar

¹⁰⁶ MA RA114. Letter from B. Mason, Assistant Superintendent of Convicts at Mahebourg, to F. Rossi, 16th November 1818.

¹⁰⁷ MA RA143. Letter from F. Rossi to G.F. Dick, 1st November 1819.

¹⁰⁸ MA RA181. Letter from F. Rossi to G.F. Dick, 3rd July 1821.

¹⁰⁹ MA RA205. Letter from F. Rossi to G.F. Dick, 2nd September 1822.

¹¹⁰ MA JB183. Declaration of Pirhally, 7th January 1827.

¹¹¹ MA RA566. Departmental Order, J.A. Lloyd, 8th April 1837.

¹¹² See MA RA708/770. Letters from W. Clover to G.A. Barry, 31st January, 6th May 1842 & 10th August 1844.

behaviour several times before.¹¹³ In another case in 1849, overseer Carey, Surveyor of Roads at Grand River, wrote:

The Convict "Balloo" complains that he has been beaten and brutally treated by overseer Bonham. This evidently appears to have been the case by what the man states and what he shows to verify the proof - It appears that overseer Bonham was in a state of intoxication when he used his hand to knock out the teeth of an elderly man like this bearer and so far as I can ascertain without cause. This is not the first nor second time for Bonham treating those under his charge in a brutal manner.¹¹⁴

With a history of drunkenness, overseer Bonham was subsequently dismissed.

There were also a number of other complaints about the convicts from the inhabitants of the island. In 1833, for example, Mme Didier claimed that the convicts employed on the road near her house at Montagne Aury never seemed to go to work.¹¹⁵ In 1833, Sr Beauvais complained about convicts trespassing on his property.¹¹⁶ In 1835, Mme Defosses, who lived near Grand River, petitioned the Chief of Police, John Finniss. She stated that some of her poultry had been stolen by convicts. They would cross her land, on the pretext of looking for rocks for the roads, and steal blackcurrants. Implying that the overseers at Grand River were often absent, she complained that the only real overseers were convict commanders. This was a highly unsatisfactory arrangement:

¹¹³ MA RA1010. Letter from overseer W.H. Graham, Surveyor of Roads Ville Bagne, to J.A. Lloyd, 21st July 1849.

¹¹⁴ MA RA1010. Letter from M. Carey, Surveyor of Roads Grand River N.W., to J.A. Lloyd, 1st January 1849.

¹¹⁵ MA Z2A50. Letter from Mme Didier to G.A. Barry, 15th March 1829.

¹¹⁶ MA RA512. Police report, 12-13th June 1833.

Il y a des piqueurs qui sont charges de surveiller les convicts qui travaillent sur la grande Route ... erreur, monsieur, erreur; il n y a point de piqueur ... Voila le piqueur monsieur; vous savez comme moi que le convict qui porte une Rotin, est le chef de la Bande, et n'est là que pour surveiller les autres; hebien là surveillance!¹¹⁷

Mme Defosses threatened that if no action was taken, she would put the convicts in chains and take them to the police herself. Later that year Sr J. Roussel petitioned the Governor for the removal of a convict camp which had been on his land for the previous six years. He stated that eighteen months before he had made a similar petition and, since then, had lost twenty-five animals by convict theft.¹¹⁸

The difficulty of institutionalising disciplinary technology was clearly compounded by the employment of soldiers as overseers. Fiscal imperatives made this the cheapest and thus most desirable option. However, most of the overseers were soldiers of low rank, with no experience of working with prisoners. Only a small minority had served in India. There was also a wide gap between the working-class culture of the garrison (which included heavy drinking) and official discourse on the overseers' role. In an excellent example of the problems of referring to 'colonialism' as a single, coherent, western process, it was inevitable that the two would clash.¹¹⁹ Indeed, overseers may have had interests far removed from those of the colonial elite. At the same time, the spread of the working parties throughout the island made it extremely difficult to regulate their behaviour.

¹¹⁷ MA Z2A88. Letter from Mme Julius Defosses to J. Finniss, 17th October 1835. ('There are overseers who are charged with watching the convicts working on the main road ... This is a mistake, monsieur. You know as well as I do that the convict with a *rattan* [stick] is in charge of the gang. This is your surveillance!')

¹¹⁸ MA RA491. Petition of J. Roussel, 31st October 1833.

¹¹⁹ Edward Said established the concept of an east-west oppositional duality in *Orientalism* (London, Pantheon: 1978). The problem of referring to 'colonialism' in the singular is raised by Frederick Cooper & Ann Stoler in 'Tensions of Empire: Colonial Control and Visions of Rule', *American Ethnologist*, 16, 4 (November 1989), p.609. Nicholas B. Dirks also argues that colonialism was not monolithic, intentional or systematic, but diffuse, disorganised and contradictory: See *Colonialism and Culture*, pp.7 & 12. M. MacKenzie takes a similar line in *Orientalism: History, Theory and the Arts* (Manchester, Manchester University Press: 1995).

The wide distribution of working parties also made it difficult to control the convicts. In 1820, Rossi wrote of the impossibility of preventing convicts from deserting, 'as there is not a place belonging to the department where a convict might be put in with anything like security'.¹²⁰ In 1832, William Staveley stated that 500 convicts were 'dispersed in open camps, without guards, throughout the colony'.¹²¹ By 1835, the situation had not improved. The Chief of Police, John Finniss, complained that the convicts were still 'scattered about the districts ... without any place of confinement at night'.¹²² Given that the system's utility required the convicts to be working throughout the island, often on a temporary basis, there were few practical counter-measures that could be taken. At the same time, the difficulties of effectively institutionalising disciplinary rhetoric are apparent.

Convict punishment and the criminal law

Regulations regarding the punishment of convicts by their overseers were, as seen, clearly outlined soon after transportation to Mauritius began. However, from the time of the convicts' arrival on the island, they were also subject to the laws of the colony and thus the sanctions of the Police Correctionelle and Court of Assizes.¹²³ Thus convicts could be punished for transgressing both Departmental regulations and the criminal law. As all the convicts were already under sentence (of transportation), the courts usually sent convict offenders back to the 'discipline of their corps', as judges could not easily exceed their current punishment with any further sanction. The overseers then decided how to deal with the men.¹²⁴ The exception to this was convicts who were found guilty of offences punishable with (re)transportation or capital offences, which were punishable with death. A handful of convicts were transported to Robben Island, off the Cape of Good Hope, or to

¹²⁰ MA RA135. Letter from F. Rossi to G.A. Barry, 13th May 1820.

¹²¹ MA RA525. Letter from W. Staveley to G.F. Dick, 31st January 1832.

¹²² MA Z2A92. Letter from J. Finniss to G.F. Dick, 25th October 1835.

¹²³ PRO CO415.15. Memorial of R.T. Farquhar, 28th October 1817.

¹²⁴ Unfortunately, there are few surviving records of these sanctions.

New South Wales. A few others were executed. However, in 1834, after three convicts were effectively acquitted of the charges against them, the Procureur Général recommended a change in the law.

The Procureur Général first expressed misgivings about the convict Rughobursing's first trial in 1829.¹²⁵ He was concerned that although Rughobursing was found guilty of attempted murder, no punishment could be given beyond sending him back to the discipline of his overseers, because he was already under sentence of transportation.¹²⁶ Secondly, in 1830, John Marian Decosta was found guilty of robbery by night and sentenced to twelve years in irons. However, as he was already under sentence of transportation, the sentence was overturned on appeal and he was returned to the discipline of his corps. From this, he was sent to prison for just one year, with the return of the stolen goods to their owner also ordered.¹²⁷ Thirdly, in 1834 Malagee Naragee was found guilty of the attempted murder of the convict commander Ghunna and overseer Hewett. He was sentenced to one year's imprisonment. Overseer Goss indicated his conviction that Rughobursing's later attack on commander Ghunna in 1834 came as a direct result of Malagee Naragee's light sentence. Goss believed the convicts thought a prison sentence preferable to the hard labour on the roads implicit to their sentence of transportation.¹²⁸ There may have been some truth to his allegations.

As a result of these three cases, the law in relation to the convicts was clarified, in Ordinance Five of 1835, which modernised the legal code. Article fifty-two stated: 'It shall be lawful also for the general superintendent of convicts to apply the same punishments, as disciplinary measures, with regard to the prisoners placed under his

¹²⁵ This case will be fully discussed in chapter six.

¹²⁶ MA RA437. Letter from Prosper d'Epinay, Procureur Général, to G.A. Barry, 28th June 1830.

¹²⁷ MA JB221. Trial of John Marian. Verdict of the Court of Assizes, 3rd April 1830 and MA JA41. Police Correctionnelle, 13th July 1830.

¹²⁸ MA JB266. Letter from S. Goss to J.A. Lloyd, 13th July 1834. (See chapter six).

authority, and for such purpose commit them to jail'.¹²⁹ After this date, the power of the courts in dealing with convict offenders was greatly enhanced and convicts became an increasingly familiar presence before the criminal courts. The potential to control convicts was simultaneously increased. At the same time, in a clear indication that they were regarded as subjects of the crown in the eyes of the law, convicts were given the right to appear as witnesses.¹³⁰ The political economy of informing thus came into play in securing convictions and became integral to the operation of the criminal law. It also ensured a strengthening of the convict system as convicts themselves became incorporated within its political authority.

FIGURE III.I
NUMBER OF CONVICTS FOUND GUILTY OF SECONDARY OFFENCES

Offence		No. of convicts
Against the person	murder	4
	attempted murder	3
	assault	3
	attempted poisoning	1
Against property	aggravated robbery	1
	robbery	4
	robbery & poisoning	1
	robbery by violence	2
	robbery by night	3
	gang robbery	7
	gang robbery by violence	1
	gang robbery by night	6
	attempted gang robbery	1
	theft	19
	handling stolen goods	2
	forgery	3
Arson		1
Selling marijuana		3
Rebellion		16
Total		81

Source: MA JA/JB series: refers to all convicts brought before the Police Correctionnelle or Court of Assizes after 1815.

¹²⁹ PRO CO169.2. Ordinance 5 1835. Ordinance for the purpose of regulating the internal order and discipline of the prisons, 24th February 1835 (Article 52).

¹³⁰ MA JA64. Trial of Cassim & Ruffee. Verdict of the Court of Assizes, 30th September 1839.

There is evidence that 81 convicts were tried before the criminal courts during their period of transportation.¹³¹ The punishments of those found guilty ranged from the death penalty to short prison sentences.¹³² Although the punishments of ten convicts are not recorded, another twenty-five convicts (22.5% of the total) were acquitted of the charges against them. At first glance, this figure might suggest that convicts were stigmatised and frequently charged with crimes which they had not committed. However, his high rate of acquittal was not unusual. Comparative data shows that it was almost the same among the general population.¹³³

FIGURE III.II
PUNISHMENT OF CONVICTS FOUND GUILTY OF SECONDARY OFFENCES

Punishment		No. of convicts
Execution		3
Transportation	life	1
	20 yrs	2
	15 yrs	1
	10 yrs	2
Hard labour	25 yrs	2
	20 yrs	3
	12 yrs	1
	10 yrs	1
	7 yrs	1
	5 yrs	2
	2 yrs	2
Prison	2 yrs	1
	1 yr	3
	6 m	7
	4 m	1
	3m	9
	2m	1
	1 m	2
	15 days	1
£2 fine		1
Total		47

Source: MA JA/JB series: refers to convicts punished by the Police Correctionelle and Court of Assizes after 1835.

¹³¹ See figure III.i.
¹³² See figure III.ii.
¹³³ Of the 297 cases not involving convicts tried before the Court of Assizes between 1832-1837 (with the exception of 1833, for which very few records exist), 75 defendants (26%) were acquitted of the charges against them. See verdicts of the Court of Assizes in the MA JA series: JA45 (1832), JA52/55 (1834), JA55 (1835), JA51/56 (1836) and JA58/59 (1837).

'A great national undertaking':¹³⁴ convicts in the silk industry

Although the majority of the convicts were diverted to public works projects after 1818, there were two other projects in which a minority of convicts played a significant part. Firstly, convict labour was integral to attempts to establish a silk industry in Mauritius. Secondly, a few convicts became diplomatic pawns, shipped to Madagascar as part of the British attempt to secure friendly relations with its new neighbours in the Indian Ocean. It is to a discussion of these two aspects of convict labour which we will now turn.

Toussaint Antoine de Chazal acquired the deeds to Mondrain in the district of Plaines Wilhems in 1799. He established the first silk *magnanerie* in Mauritius there.¹³⁵ Although the French East India Company had introduced the mulberry tree from Pondicherry, it was not until the British took control of the island that the production of silk really got underway.¹³⁶ Chazal had always had a number of slaves working on his establishment. They were augmented by Bengal convicts after the first of them arrived in Mauritius. Upon a request to Governor Farquhar, Chazal received twenty-eight convicts,¹³⁷ employed at Mondrain in silk production and in his new enterprise, the cultivation of the opium poppy. Thus convict labour allowed him to venture into 'two of the most precious commodities of Indian commerce'.¹³⁸ As governor, Farquhar consistently encouraged development of the silk industry. As well as promising a new revenue source,¹³⁹ it was also seen as: 'a species of

¹³⁴ PRO CO167.86. Letter from H. Shakespear to G.A. Barry, 28th July 1825. At this time, raw silk comprised the second major staple of Bengal's exports. See P.J. Marshall, *Bengal: The British Bridgehead; Eastern India 1740-1828* (Cambridge, Cambridge University Press: 1987), p.107.

¹³⁵ Tristan de Chazal, *Histoire généalogique de la famille de Chazal* (Unpublished Manuscript, Février 1993), p.6.

¹³⁶ PRO CO172.12. *Mauritius Times*, 9th June 1849.

¹³⁷ PRO CO167.40. Return showing the number of convicts employed with individuals during the months of February, March, April, May, June and July 1817. Chazal had just ten convicts until May. During that month that total was increased to twenty-eight.

¹³⁸ PRO CO167.41. Despatch from R.T. Farquhar to Lord Bathurst, 18th July 1818, enclosing a Minute on the Employment of Convicts in Mauritius.

¹³⁹ MA RA146. Report of the Committee on the state of the silk and opium manufactory of Mr Chazal, 4th October 1820.

employment well adapted for children, and aged and infirm persons'.¹⁴⁰ In other words, it could mobilise the labour of those unfitted for heavy work in sugar cane production and processing and so increase the colonial labour participation rate.

After Farquhar was temporarily replaced by Major-General Hall, however, an order was made for Chazal's convicts to be withdrawn, in line with the new policy.¹⁴¹ Chazal then petitioned against this decision, on the grounds that silk production was of public rather than private utility.¹⁴² When an overseer was sent to collect the convicts, he stubbornly refused to hand them over, arguing that all his silkworms would otherwise die.¹⁴³ He was eventually forced to comply, but petitioned for the convicts' return again the next year.¹⁴⁴ His twenty-eight convicts were restored on April 5th 1819, during the temporary governorship of Ralph Darling,¹⁴⁵ on condition that he employ an equal number of slaves.¹⁴⁶

Silk and opium cultivation had some success. A committee established in 1820 to inspect the establishment at Mondrain reported that 'great and extensive progress' had been made in these ventures. Ten of the convicts were employed in silk manufacture, six in opium manufacture, four in poppy oil extraction, four in ploughing and four as masons and bricklayers. The state of the convicts and their camp were said to be 'very satisfactory'. Each convict had a hut to himself and a small piece of ground for the cultivation of vegetables.¹⁴⁷ There were sixty-five acres of mulberry trees, with twenty-five more cleared for further plantation.

¹⁴⁰ PRO CO167.51. Letter from R.T. Farquhar to H. Goulburn, 13th December 1820.

¹⁴¹ PRO CO167.45. Private letter from Major-General R. Darling to Lord Bathurst, 20th April 1819.

¹⁴² MA RA99. Letter from T.A. de Chazal to F Rossi, 17th December 1818.

¹⁴³ MA RA99. Letter from T.A. de Chazal to F. Rossi, 24th December 1818.

¹⁴⁴ MA RA118. Letter from T.A. de Chazal to G.A. Barry, 16th December 1818.

¹⁴⁵ MA RA146. Report of the Committee on the state of the silk and opium manufactory of Mr Chazal, 4th October 1820.

¹⁴⁶ MA RA138. Governor's Minute, 10th February 1818.

¹⁴⁷ This 'provision ground' system developed in slave-worked plantations from the late eighteenth century. See Sidney Mintz, *Caribbean Transformations* (Chicago, Aldine Publishing Company: 1974), pp.131-250. It was probably introduced to the Ile de France by planters who were aware of Caribbean developments. For the planter, it reduced the cost of maintaining an unfree workforce. At

During the course of 1819, a total of 150lbs of good quality silk was produced and sold. When the convicts were restored to de Chazal, thirty-five acres of opium poppy were being harvested annually. A further twenty acres had been sowed at the time of the 1820 report. The opium was sold both to individuals and the civil hospital. A further 50lbs of the drug was exported to Batavia in 1819.¹⁴⁸ Indeed, the head of the Medical Department in England enthused about the premium quality of Chazal's opium.¹⁴⁹

Chazal was a victim of his own success. He died on December 25th 1822 after he took an overdose of opium at Governor Farquhar's Christmas party at Réduit.¹⁵⁰ His widow attempted to carry on silk production but in January 1824, her convicts were withdrawn.¹⁵¹ Though she received four more convicts in July 1825,¹⁵² they too were also withdrawn in October 1826. Two of them were sent to a similar establishment in the district of Moka. This had been set up in 1825 by a Mr Hughes, for the British and Colonial Silk Company.¹⁵³ Lord Bathurst wrote to the new Governor of Mauritius, Sir Lowry Cole, proposing that one thousand acres be given over to the Company, a sizeable grant on an island the size of Mauritius. He suggested that the land be rent free for the first seven years, after which date it was to be rented at 5% of its average 1825 value per annum. This sum was to be redeemable if the land was purchased after twenty years.¹⁵⁴ Between thirty and fifty convicts were to be immediately attached to the Company's silk establishment in Mauritius, for whom between \$3.00 and \$3.50 per month each would be paid. It was

the same time, it stabilised the workforce by permitting it *de facto* property rights and prospects of petty accumulation from marketing any surplus products.

¹⁴⁸ MA RA146. Report of the Committee on the state of the silk and opium manufactory of Mr Chazal, 4th October 1820.

¹⁴⁹ PRO CO167.45. Private letter from R. Darling to Lord Bathurst, 20th April 1819.

¹⁵⁰ Chazal, *Histoire*, p.7.

¹⁵¹ MA RA275. Governor's Minute no.24, 3rd January 1824.

¹⁵² MA RA315. Letter from Mme de Chazal to G.A. Barry, 3rd July 1826.

¹⁵³ MA RA306. Governor's Minute no.155, 27th October 1826.

¹⁵⁴ These were the same principles as those laid down in the Charter of the Australian Agricultural Company, established in 1824 for the growth of wool and the cultivation of waste lands in New South Wales.

also intended that an agreement with the Bengal Judicial Department for a further supply of convicts would be reached.¹⁵⁵

During the course of 1825, the Court of Directors of the East India Company made a request to the Bengal Presidency that 'between fifty and one hundred convicts from Alipur Jail acquainted with the manufacture of silk, the cultivation of the mulberry and the rearing of the silk worm' be sent to Mauritius. This request filtered down to the Magistrate of the Suburbs of Calcutta, J. Master.¹⁵⁶ However, the Bengal Judicial Department was unable to comply, for Master found there were no suitable convicts in Alipore Jail.¹⁵⁷ By 1826 Governor Lowry Cole was complaining that since allocating a few convicts to Hughes, he had received no further instructions from the Silk Company.¹⁵⁸

The Company, however, continued to operate in Mauritius until the late 1820s. It was, however, far less successful than Chazal. Its downfall began when in 1829 one of Hughes's convicts went to Grand River to make complaints: he had been refused permission to go to hospital when he fell sick; Silk Company convicts were 'exceedingly ill treated'; and, they were employed on Hughes's personal plantation and not in the manufacture of silk.¹⁵⁹ Subsequent investigation confirmed these complaints. Lieutenant F. Shearman reported:

¹⁵⁵ PRO CO168.8. Despatch from Lord Bathurst to Governor Lowry Cole, 5th July 1825.

¹⁵⁶ IOL P.137.40. Order from the Court of Directors, 31st August 1825. BenC&J, 2nd March 1826.

¹⁵⁷ IOL P.137.50. Letter from H. Shakespear to G.A. Barry, 10th July 1826, enclosing a letter from J. Master to H. Shakespear. BenC&J, 11th July 1826.

¹⁵⁸ PRO CO167.86. Despatch from Lowry Cole to Lord Bathurst, 15th December 1826.

¹⁵⁹ MA RA408. Letter from W. Staveley to G.A. Barry, 31st January 1829.

I had the sepoys [convicts] employed at Mr Hughes paraded before him. They then charged him with making them work in his Habitation along with his Blacks; of not being allowed the same privileges as the Convicts employed on the roads, and of general ill usage - further stated they were very unhappy, and begged to be removed. Their complaints appear to be just. Mr Hughes employs them working the regular hours with his Blacks, unconnected with the silk business. Mr Hughes did not deny they were employed thus, but said at certain times there was a good deal to do, and he then sent his Blacks to assist, consequently the sepoys must work in his habitation in return as they were not sent there to be idle. From what I could make out there must be very little if anything doing in the silk business. When I arrived there some of the sepoys were working mending the road to Mr Hughes house; no body in the silk business, but few worms in the worm house, and the other houses containing the machinery locked up. The Sepoys said that for months together they were working in his habitation. Still Mr Hughes has the conscience to suppose himself maltreated by Government, because he is not allowed upwards of thirty.¹⁶⁰

William Staveley also felt the convicts' complaints to be well founded, particularly as the same men had been 'perfectly contented' under Chazal. He told the Colonial Secretary that the convicts 'earnestly request to be withdrawn'.¹⁶¹ Thus, while convict labour was crucial to the early relative success of silk (and opium) production in Mauritius, convict agency precipitated its demise. Of course, there were other factors operating here; the inability of Bengal to supply the kind of convict labour required for silk production and Hughes's failings as a manager of such convict labour as came his way. Nevertheless, it is evident that the web of power relations in which the convicts were enmeshed was no strait-jacket, for in this instance they were able to manipulate the 'regulatory' technology to their own ends.

¹⁶⁰ MA RA408. Extract from F. Shearman's report, 26th January 1829.

¹⁶¹ MA RA408. Letter from W. Staveley to G.A. Barry, 31st January 1829.

Convicts in Madagascar

When the regulation granting permission to transport convicts from the Indian Presidencies to Mauritius was passed in 1816, permission was also given for 'the removal of them to any other place, if there should be occasion for it'.¹⁶² As we have seen, some convicts were sent to Diego Garcia and the Seychelles as lepers and others to New South Wales and Robben Island as retransportees. Convicts were also sent to the neighbouring island of Madagascar. The convicts were 'gifts' to the King of Ovah, offered in a context where forging friendship with Madagascar had become an important aspect of British foreign policy.

By 1794, Andrianampoinimerina, the King of Ovah, had successfully extended the Merina Kingdom over a third of Madagascar, including the highland territories. After his death in 1810, his son succeeded the throne to become King Radama I and was able to expand the kingdom out to the coast. He was keen to foster relations with the European powers, especially Britain.¹⁶³ As a result, a British Government Agent, James Hastie, was placed in Madagascar as his personal advisor. In November 1816, thirty-one of the Indian convicts who had been sent to Mauritius were embarked for Madagascar under Hastie's command. This was a shrewd political move.

On their arrival, the convicts were given over to Radama I and employed as cotton planters. Although the Malagasy authorities were responsible for providing the convicts' rations, they also received a gratuity of one rupee per month each from the Mauritian government.¹⁶⁴ The following year, Radama allocated eighteen convicts to a British settler in Madagascar, Mr Bragg.¹⁶⁵ However, when told that he was

¹⁶² PP 1819 XIII. Paper relating to East India Affairs: Bengal, Madras and Bombay Regulations 1816. Regulation XV, 18th May 1816.

¹⁶³ See Gwyn Campbell, 'Madagascar and the Slave Trade, 1810-1895', *Journal of African History*, 22 (1981), pp.203-27.

¹⁶⁴ MA RA81. Letter from D. Mackay to G.A. Barry, 4th November 1816.

¹⁶⁵ MA RA93. Letter from F. Rossi to G.A. Barry, 7th August 1817.

responsible for providing the convicts' rations, Bragg returned them to the king. Fifteen of the convicts were subsequently shipped back to Mauritius on the *Eliza*, arriving on November 10th 1818 'in a very sickly state'.¹⁶⁶

Three of Bragg's men, Armunee, Bishenauth Aunger and Bungsee Dullye, chose to stay in Madagascar. Bishenauth Anger's fate is unknown. Armunee and Bungsee Dullye were employed as royal servants, each receiving one piastre gratuity per month from James Hastie, and from the King. By 1829, both men had taken wives. Armunee was married to Rampesua, a free woman who had been 'given him by the King'. They had three boys: Manazan, Memamsunlay and Manamish. Bungsee had also been given a 'wife', Ratsarazaf. They also had three children: Ratserahaffan, Ramamba and Razafinnerin.¹⁶⁷ Another four convicts sent to Madagascar, Chooneeah Soory, Ghosee, Jampira and Sonahulla, died there.¹⁶⁸

At the same time as attempts were being made to establish a silk industry in Mauritius, James Hastie was encouraging a similar enterprise in Madagascar. In 1822, mulberry tree cuttings were sent there from Mauritius. Hastie petitioned for two 'intelligent' slaves to be placed at the Chazal establishment under the charge of Mr Rolland, a 'missionary artisan'. The three would then accompany him on his next trip to Madagascar.¹⁶⁹ Later that year, Hastie requested two more convicts 'acquainted with the winding of silk'. He subsequently received Doorgutteah and Ramjoy Sing Cupally into his charge.¹⁷⁰

¹⁶⁶ MA RA144. Letter from F. Rossi to G.A. Barry, 11th November 1818.

¹⁶⁷ MA RA415. Letter from R. Lyall, Government Agent Madagascar, to G.A. Barry, 1st September 1829, enclosing a Memorandum respecting the Sepoys in Madagascar.

¹⁶⁸ MA RA144. Letter from F. Rossi to G.A. Barry, 11th November 1818, enclosing a List of convicts returned from Madagascar on the ship *Eliza* showing the casualties and those who have remained.

¹⁶⁹ MA RA198. Letter from J. Hastie, Government Agent Madagascar, to G.A. Barry, 7th February 1822.

¹⁷⁰ MA HB7. Letter from R. Bussey, Chief Secretary to Government, to J. Hastie, 24th April 1822.

In 1825, Hastie wrote that 'a want of knowledge in preparing raw silk impedes progress'. He requested two more convicts: Goluck Harree and Turee Sirdar were sent.¹⁷¹ After this date just one more Indian convict, Torres Sirdar, embarked for Madagascar as a silk manufacturer. He left Mauritius in April 1828, but according to the new Government Agent, Robert Lyall,¹⁷² died of 'an internal affliction of the chest and bowels' soon after his arrival. His personal effects, consisting of a blanket, a soldier's jacket, two black jackets, a *dhoti*, a turban and a piece of white cloth, were divided between Doorgutteah and Goluck.

Doorgutteah and Goluck remained in Madagascar and both received an allowance of \$1.50 per month from the Mauritian Government. By 1829, Doorgutteah had a wife and two children, Zanne and Chenduré. Goluck was also married to Rozaffe.¹⁷³ After King Radama's death in 1828, the Mauritian Government called for the convicts' return, but Robert Lyall wrote that 'their connections in life, and their interests attach them to Madagascar, and as, in the event of their being recalled, they would only become pests and maroons I venture to recommend that they should all be liberated'.¹⁷⁴ The new Governor of Mauritius, William Nicolay, agreed, on the condition that the convicts receive no more gratuities.¹⁷⁵

The segregation of the convicts

Colonial rhetoric stressed that the moral reform of the convicts could be effected through transportation, as they were removed from India and made to perform public works projects under strict discipline and surveillance. The importance of regular labour, 'just' punishments and rewards for 'good' (or conformist) behaviour were thus

¹⁷¹ MA RA284. Letter from J. Hastie to G.A. Barry, 23rd June 1825 and MA HB4. Letter from G.A. Barry to J. Hastie, 30th June 1825, enclosing a list of Indian Convicts at Madagascar.

¹⁷² For a French translation of his diary, see G.S. Chapus & G. Mondain, *Le Journal de Robert Lyall* (Tananarive, Madagascar, Imprimerie Officielle: 1954).

¹⁷³ MA RA387/415. Letters from R. Lyall to G.A. Barry, 26th December 1828 & 1st September 1829, enclosing a Memorandum respecting the Sepoys in Madagascar.

¹⁷⁴ MA RA415. Letter from R. Lyall to G.A. Barry, 1st September 1829.

¹⁷⁵ MA RA415. Letter from Governor W. Nicolay to R. Lyall, 1st September 1829.

underlined. However, another important element in the colonial discourse of discipline and surveillance was concern that convicts in Mauritius should not interact with other 'racial groups' on the island. During the early years of the convict system, relations with slaves and apprentices¹⁷⁶ were prohibited. In 1818 Major-General Hall even suggested that the convicts be sent back to India as 'the moral tendency [of their introduction to the island] must be productive of the worst consequences'.¹⁷⁷

The circular instructions issued to the convict overseers in 1823 also stressed the importance of segregating their charge. All 'illicit intercourse' between the convicts and others was 'strictly forbidden'. Clear instructions were correspondingly issued:

The convicts are not to wander about the Country, or to go to the Houses of the Inhabitants, nor are Soldiers, People of Color, or Slaves, to be permitted to frequent the Convict Camp ... every precaution should be taken to prevent illicit intercourse with the Indians or other Inhabitants of Port Louis.¹⁷⁸

Such concerns were reproduced throughout the period of transportation. When the Eurasian Maria Davis fell sick, it was initially suggested that a 'government negress' attend to her. The Governor, however, insisted that an Indian woman would do so. As the immigration of Indian indentured labour accelerated in the 1830s and 1840s, convict relations with these people became the focus of concern. The Chief of Police, John Finniss, wrote of the increasing number of Indian labourers 'whose morals are not likely to be improved by their intercourse with the convicts, (the natural consequence of their speaking the same language)'.¹⁷⁹

¹⁷⁶ Ex-slaves who were placed under a four-year period of apprenticeship in 1834 until final freedom in 1838.

¹⁷⁷ PRO CO167.37. Despatch from Major-General Hall to Lord Bathurst, 28th January 1818.

¹⁷⁸ MA Z2A70. Letter from W. Staveley to J. Finniss, 4th September 1832.

¹⁷⁹ MA Z2A92. Letter from J. Finniss to G.F. Dick, 25th October 1835.

As the numbers of convicts diminished in the late 1840s, Indian immigrant labour was deployed on public works projects. Convicts and other Indians sometimes worked together, but were never lodged in the same building.¹⁸⁰ The Parc à Boulets convict barracks for men employed in the repair of Port Louis streets were also divided to ensure that hired Indians were separated from the convicts.¹⁸¹ Concerning the suitability of this building for the reception of Indian vagrants, the Surveyor General wrote in 1849 that he would consider it 'bad policy to allow [them] to intermix with men who are under strict "surveillance" '.¹⁸² Indeed, one of the main factors influencing the Council of Government's May 1839 decision to bring transportation from India to an end, was fear that convicts would 'corrupt the morals' of the growing Indian immigrant population.¹⁸³

Convict incentives and the commander system

The first hints of the importance of incentives for 'good' behaviour came immediately after the convicts' first arrival. Proclamation 193 of 1816 required the department to keep a register and take notes on convict conduct: any 'crime or insubordination should receive a just punishment' and 'good conduct some recognition'.¹⁸⁴ After 1816, every convict was paid a gratuity of one rupee per month as a spur to 'efficient labour and good behaviour'.¹⁸⁵ A few others were granted additional gratuities as labour incentives. Four convict bricklayers, for example were said to be 'proving very useful', with the result that 'one additional rupee' was granted as an 'incitement to continuance of good conduct and activity'.¹⁸⁶

¹⁸⁰ MA RA916. Return of Employment of Convicts, 20th September 1848.

¹⁸¹ MA RA915. Letter from W.H. Rawstone, Surveyor General, to G.F. Dick, 31st August 1847.

¹⁸² MA RA1010. Letter from W.H. Rawstone to C.J. Bayley, 11th December 1849.

¹⁸³ PRO CO167.230. Report of the Committee of Council, 17th February 1841.

¹⁸⁴ *Recueil Complet*, Proclamation 192, 24th January 1816.

¹⁸⁵ PRO CO415.15. Letter from G.A. Barry to F. Rossi, 27th January 1816.

¹⁸⁶ MA RA87. Letter from C.H. Tuleman to G.A. Barry, 27th January 1817.

Twelve convicts apprenticed as stone cutters and dressers in 1817 were also paid gratuities of six sous (pence) per square foot of stone prepared by them.¹⁸⁷

Another forty skilled convicts were granted an additional fifty cents per month each in 1820.¹⁸⁸ A convict carpenter 'who during eight years had distinguished himself by his zeal, activity and intelligence' was granted a \$4 per month gratuity in 1832.¹⁸⁹ A convict working at the civil hospital was also recommended for an extra rupee per month gratuity in 1839.¹⁹⁰ In 1823, the convicts petitioned for a ration of 12oz of tobacco per month. This was granted after William Staveley wrote: 'they have of late conducted themselves extremely well, and ... it would be a stimulus to their future exertions and good behaviour'.¹⁹¹

Such incentives were key to the successful extraction of convict labour power, with convicts also permitted to hire out their labour power once their government tasks had been completed.¹⁹² Financial and material incentives were not the only means employed to stimulate 'good behaviour'. Convict overseers were also permitted to give permission for 'four or five well behaved convicts' from each working party to go to the bazaar to buy fresh vegetables every Sunday.¹⁹³ Convicts could be sent on errands for their overseers or dispatched to collect their working party's rations. Overseers also issued individual convicts with pass tickets allowing them to leave their camp. Lada and Abdella, for example, were issued passes which respectively stated:

¹⁸⁷ MA RA93. Letter from C.H. Tuleman to G.A. Barry, 23rd August 1817.

¹⁸⁸ MA RA170. Letter from E.A. Draper to G.A. Barry, 21st February 1820.

¹⁸⁹ MA RA525. Letter from W. Staveley to G.F. Dick, 27th October 1832.

¹⁹⁰ MA RA592. Letters from Charles St. John to G.F. Dick, 3rd March & 22nd October 1839.

¹⁹¹ MA RA234. Letter from W. Staveley to G.F. Dick, 8th November 1823.

¹⁹² PRO CO167.45. Despatch from Governor Darling to Bathurst, 6th May 1819, enclosing a letter from the Civil Engineer's Office, March 11th 1819. This was also the case in Singapore, where convicts were allowed to hire themselves out as servants after working hours. McNair, *Prisoners Their Own Warders*, p.41.

¹⁹³ PRO CO415.15. Letter from W. Staveley to W. Clover, 30th August 1824.

Permit the Convict to pass to the market in Port Louis and no further and to return Emediately (*sic*). This pass is for this month and the month of August 1833.
W. Blackburn, overseer.

Permit the bearer a convict named Abdella no.689 to pass to Port Louis a message and to return immediately.
John Mitchell,
1st October 1835.¹⁹⁴

Convicts were not allowed to be seen a mile from their camp without a pass. If they were caught they were to be sent to the police.¹⁹⁵

Perhaps the most important stimulus to conformism was the use of convict commanders. Commanders were double-edged swords in the colonial armoury. The commander system existed as a means to exert authority and control over the convicts. At the same time it implicated the convicts in their own management, by giving them a stake in the system. As Alastair Davidson has argued in the Australian context, convict overseers were 'a confusion of roles as both subjects and objects of power'.¹⁹⁶ The use of Indian convict commanders was not without precedent. By the time the convicts arrived in Mauritius, convict commanders were a well-established feature of convict management in the convict settlements in Southeast Asia.¹⁹⁷ Their role was also similar to the Indian *sirdars* who worked on Mauritian sugar estates during the later indentured labour period.¹⁹⁸

¹⁹⁴ MA JB268. Lada's pass ticket, August 1833 and MA JB281. Abdullah's pass ticket, 1st October 1835.

¹⁹⁵ MA Z2A96. Letter from G.M. Elliott, Assistant Surveyor General & Civil Engineer, to G.F. Dick, 28th June 1836.

¹⁹⁶ Davidson, *The Invisible State*, p.100. In the Australian penal colonies, overseers and sub-overseers were always themselves convicts, not military men, as in Mauritius. Thus Mauritian convicts commanders were both like Australian convict overseers, in respect to status, but unlike in having soldier-overseers about them. The difference perhaps hinged on the determination to subordinate Indian convict commanders within a racial hierarchy.

¹⁹⁷ McNair, *Prisoners Their Own Warders*, pp.18, 28 & 40.

¹⁹⁸ See Carter, *Servants, Sirdars & Settlers*, p.215ff.

When the Convict Department was reorganised in 1823, there were forty convict commanders. They were each entitled to a gratuity of £1.4.0 p.a. in addition to their normal gratuity of one rupee per month.¹⁹⁹ Convict commanders were employed in the working parties in the districts, Port Louis and at the civil hospital.²⁰⁰ They were expected to set an example to the other convicts and provide them with a position to aspire to. Their duties were to take the daily roll calls of the working parties and order the convicts to fall in, ready to march to and from work.²⁰¹ They were also responsible for inspecting the convict huts and organising the convict watch over the camps, which changed every three hours during the night. Similarly, sick convicts who remained in their camps were placed under the charge of convict commanders.²⁰²

Commanders were expected to inform the convict overseers of any 'disorders' amongst the convicts and punish convicts for 'minor' infractions, by placing them in the 'block' (stocks).²⁰³ One convict was 'sentenced to work in heavy irons under charge of a commander for the space of one month' after deserting from the department.²⁰⁴ Another convict who robbed a blind man was also put in irons in charge of a commander.²⁰⁵ Commanders were also despatched in search of convict deserters. After the convict Rughobursing absconded into neighbouring woods, for example, the commander Pursung Sing was sent to arrest him.²⁰⁶ Another convict,

¹⁹⁹ PRO CO172.47. Civil & Judicial Establishments for 1827 (Department of Roads & Bridges) (Blue Book 1825-7).

²⁰⁰ MA RA507. Police report, 28th November 1833.

²⁰¹ MA JB136. Trial of Ruttunah, Ramsook, Sobah, Turée, Kehurée & Madow. Interview of commander Bijenauth, 21st February 1819, 21st February 1819.

²⁰² MA JB167. Trial of Joidore. Interview of overseer William Blackburn, 5-6th July.

²⁰³ MA JB266. Trial of Rughobursing. Police report of overseer John Hewitt and commander Ghunna, 10-11th July 1834.

²⁰⁴ MA RA1118. Letter from W.A. Rawstone to C.J. Bayly, 20th May 1851.

²⁰⁵ MA JB183. Letter from W. Clover to J. Martindale, n.d. (1826).

²⁰⁶ MA JB266. Trial of Rughobursing. Police report of John Hewitt, 10th July 1834. This case will be discussed in more detail in chapter six.

Bowanysing, accused of robbing the two convict guardians of the ferry boats, was eventually captured by two convict commanders.²⁰⁷

Commanders also gave evidence in court against the misdemeanours of convicts under their command. In 1819, six convicts - Ruttunah, Ramsook, Sobah, Madow, Turée and Kehurée - were implicated in robbing Sr Boisgard. In a classic example of the use of a 'native informer', the convict commander of the camp, Bijenauth, testified against the men:

When I ordered the fall in the men for work the [accused] were absent and whilst the convicts were in files ready to march I saw these six men coming up with large sticks which they were hiding under cumleys and therefore think they were concerned in the robbery I heard of afterwards.

He added that earlier that evening he had seen the convicts sitting together. He claimed that one of them had said: 'Let us go out tonight and look for ten or twenty rupees'.²⁰⁸

Another convict witness, Gopaul, stated that he had heard five or six men arguing the next morning about the how to divide among them the proceeds of a robbery. Roshun Mullick told his overseer that he had seen Ramsook, Turée and Madow with stolen goods. He even took the overseer to the rock under which the articles were hidden.²⁰⁹ As these two convicts were not commanders, their testimonies are suggestive of the use of negative and positive incentives in the convict system. Although it is possible that they harboured some grudge against the convicts they informed against, it is also possible that they informed under duress. Alternatively, they may have offered information in response to positive incentives. The promise

²⁰⁷ MA RA1118. Letter from W.A. Rawstone to C.J. Bayley, 17th January 1851.

²⁰⁸ MA JB136. Trial of Ruttunah, Ramsook, Sobah, Turée, Kehurée & Madow. Interview of commander Bijenauth, 21st February 1819.

²⁰⁹ MA JB136. Trial of Ruttunah, Ramsook, Sobah, Turée, Kehurée & Madow. Interview of Gopaul and Roshun Mullick, 21st February 1819.

of financial reward or the prospect of a position of command could be extremely alluring.

In another case in 1832, the convict Gitoo was accused of the attempted murder and robbery of Sr Dufresne. The day after the robbery a search was made of the convict camp at Dardenne. In this instance of the use of convict commanders as informers, the convicts were paraded in front of their commander, Badgenauth Kewary. He pointed out six convicts he believed to have been involved in the robbery.²¹⁰ Badgenauth also claimed that two other convicts at Plaine Magnan had been involved. However, again it was not simply commanders who informed against ordinary convicts. An ordinary convict, Govind Manty, also claimed that although he could not name them he knew that six convicts had been involved in this robbery. Keenoo Faquir also stated that he had seen the convict Samdoby give Deepchand seven piastres which Deepchand wrapped in his *dhoti*. However, despite the statements of the various informers, none of the stolen items were found in the camp. Gitoo was eventually acquitted of the charges against him.²¹¹

In 1839, the convicts Manoel Joss Louis and Ramsamee were found guilty of stealing a substantial amount of foodstuffs from a shop in Plaines Wilhems. Several days later, the wife of their overseer, John Burke, told him that her convict servant had seen Manoel counting money. Burke then searched the convict camp, finding some of the stolen goods in Manoel's hut. Two convict commanders then informed against another convict, Ramsamee. The commander, Mahomed Khan, told Burke that he had recently seen Ramsamee very drunk. Another commander, Puttul Koochell, added that he knew that Ramsamee had spent much money in the week

²¹⁰ It is possible that Badgenauth was the same commander who testified against the Boisgard convicts (Bijenauth).

²¹¹ MA JB234. Trial of Gitoo. Police report, 8th & 12-14th October 1831; evidence of the Court of First Instance, 22-23rd December 1831; and, verdict of the Court of Assizes, 11th October 1832 and MA JA45. Verdict of the Court of Assizes, 26th October 1832.

since the robbery. Burke confronted Manoel and Ramsamee. They promised to show him where they had hidden the goods if they were not punished. Later, in court, Mahomed Khan stated that he heard Burke agree. The convicts took their overseer to a nearby wood where they pointed out the stolen goods which were hidden beneath a tree.²¹² Despite Burke's promise, the convicts were brought before the Court of Assizes where they were each sentenced to five years' hard labour.²¹³

Sometimes, convict commanders complained against their overseers' conduct. Significantly, their complaints were taken seriously. One convict commander complained that two overseers had stolen timber and paint from the bridge on the Moka road. As a result, the overseers were dismissed.²¹⁴ Another overseer was reported absent by a convict commander. He was eventually found 'laying on his Bed in a most disgraceful state, and by the outward appearance of the man, he has been wallowing in that cursed liquor arrack for two or three days'. This overseer was also dismissed from the Department.²¹⁵

Commanders on occasion appeared in defence of other convicts in criminal trials. When the convict Same was tried for armed robbery, for example, commander Sudeen appeared in his defence. He stated that he had seen Same asleep in his hut at the time the robbery was supposed to have been committed and Same was acquitted.²¹⁶ Similarly, in 1829 Marcelles Jacques' shop in Petite Rivière was robbed. Suspicion immediately fell on the convicts, as they were working nearby. The camp was searched and the stolen goods were found in possession of a convict named Ghama. He claimed that he had bought the goods from a slave. The convict

²¹² MA JB299. Trial of Manoel Joss Louis & Ramsamee. Police report, 8th September 1839; evidence of the Court of First Instance, 23rd September 1839; and, statement of the Procureur Général, Court of Assizes, 20th November 1839.

²¹³ MA JA64. Verdict of the Court of Assizes, 12th December 1839.

²¹⁴ MA RA708. Letter from W.H. Rawstone to G.A. Barry, 21st March 1842.

²¹⁵ MA RA708. Letter from overseer M. Carey to G.A. Barry, 5th May 1842.

²¹⁶ MA JB138. Trial of Same. Verdict of the Court of Assizes, 8th September 1821.

commanders at the camp, Godgeraut Sing and Cacour, confirmed that he had not been involved in the robbery. As a result of the commanders' testimony and the absence of any other evidence against him, Ghama was acquitted of the charges. However, he was sent back to the 'discipline of his corps' as he had not been in possession of a pass ticket when he had left his camp to buy the goods.²¹⁷

In a few instances, commanders were found guilty of abusing their authority. This was punished particularly harshly. Indeed, Ramsook, one of the six convicts accused of robbery in 1819, was a convict commander, and had been described as one of the best in the Department.²¹⁸ After the trial, all the convicts were sent back to the discipline of their corps, liable to punishment for six months. Ramsook, however, was made liable to indefinite punishment.²¹⁹ Suggesting that Ramsook had abused this position of authority, Rossi later wrote:

[The convicts] are not only most dangerous by their personal daringness, but what is more to be apprehended, by the very great ascendancy and influence they have gained amongst the other convicts from their known secrecy and resoluteness in abetting and performing every species of crime.²²⁰

After the trial, it was decided that the guilty men should be worked in chains, in order to show 'something more than ordinary attached to their character'.²²¹ It was clear that such convicts were to be produced as specially harsh penal signs. Dispersed amongst several working parties, they were held up as an example to all, cast as principals in the colonial theatre of punishment.

²¹⁷ MA JB205. Trial of Ghama. Evidence of the Court of First Instance, 10th June & 22nd October 1829 and verdict of the Court of Assizes, 19th December 1829.

²¹⁸ MA JB316. Letter from B. Mason to F. Rossi, 30th January 1819.

²¹⁹ MA JB136. Trial of Ruttunah, Ramsook, Sobah, Turée, Kehurée & Madow. Verdict of the Court of Assizes, 5th May 1820.

²²⁰ MA RA135. Letter from F. Rossi to G.F. Dick, 5th June 1820.

²²¹ MA RA135. Letter from G.F. Dick to F. Rossi, 20th May 1820.

Another convict commander, Harsa, was involved in a fight with an inhabitant. A slave had got the wheels of his wagon stuck in a hole on the highway where the convict party under his command was working. Harsa angrily struck the slave. A nearby resident, Sr Drieux, went outside and told the slave to move his wagon, but Harsa stated that as the road had been damaged, he was going to smash it up. Sr Drieux attempted to stop him from doing so, so Harsa hit him in the face. Drieux went home and Harsa followed him with the rest of the convicts, attacking Drieux and his wife with rocks and their sticks. Their overseer arrived and eventually managed to break up the fight. Harsa was subsequently 'exposed to the most strict and severe discipline' of the Department as he had 'abused his position as a commander'.²²²

The rhetoric of disciplinary technology implied that the moral transformation of the convicts could be effected through putting them to work under strict discipline. The turbulent characters who threatened the stability of the Indian Provinces thus had the potential to be transformed into docile labouring bodies. In 1817 Governor Farquhar wrote: 'a strict and humane treatment has contributed to mitigate the rigour of [the convicts'] punishment, and by improving their moral character and habits, to render them, here, less dangerous members of the community'.²²³ The Secretary of State for the Colonies, writing ten years after transportation to Mauritius began, also stated: '[The convicts'] condition and morals have been much improved by the discipline under which they are governed in the Colony'.²²⁴

²²² MA JB173. Trial of Harsa. Letter from Sr Drieux to J. Finnis, 22nd January 1826; police report, 23rd January 1826; and, verdict of the Court of Assizes, 2nd February 1826.

²²³ MA RA183. Letter from R.T. Farquhar to Marquis Hastings, 28th October 1817.

²²⁴ MA RA306. Despatch from Lord Bathurst to Governor L. Cole, 28th July 1825.

The possibility of such reform was given further plausibility by perceptions of Indians' racial docility and thus malleability. Farquhar saw them as 'a sober, temperate race' which quickly became 'industrious' in Mauritius:

Their labour has been obtained, without force, or difficulty - their manners far from that atrocious ferocity which individuals, misled by delusive theories, may appear to apprehend, have been generally submissive, and inoffensive.²²⁵

William May, the judge, also spoke of the convicts' 'peaceable and tractable disposition'.²²⁶ Indeed, the convicts in Mauritius were soon represented as 'a remarkably fine race of people': the Civil Engineer reported in April 1819 that their 'general deportment is distinguished by peculiar propriety and decency'.²²⁷ The Head of the Convict Department, Francis Rossi, stated in 1820 that he had introduced 'such a degree of good order, regularity and discipline as contributes not less to the comfort of the [convicts] themselves'.²²⁸

Of course, this 'reformation' was essentially predicated on the convicts' transformation into a useful body of workers: the penal and economic imperatives of transportation were effectively inseparable. As Ranajit Guha has argued in another context, the language of reclamation in fact referred to the transformation of a tribal peasantry into wage labourers.²²⁹ In Mauritius too the orientalist vision of the salvation of the backward other was effected, at least in the rhetoric of the colonial elite. In all this, however, there are persistent glimpses of the fragility of disciplinary technology. In practice, the system was not based on strict discipline

²²⁵ PRO CO167.41. Despatch from R.T. Farquhar to Lord Bathurst, 18th July 1818, enclosing a Minute on the Employment of the Convicts at Mauritius.

²²⁶ PRO CO167.56. Letter from W. May to R.T. Farquhar, 6th September 1820.

²²⁷ PRO CO167.45. Despatch from R. Darling to Lord Bathurst, 6th May 1819, enclosing report of the Civil Engineer, 30th April 1819.

²²⁸ PRO CO167.56. Memorial of F. Rossi, 30th December 1820.

²²⁹ Guha, 'The Prose of Counter-Insurgency', pp.23-4.

and surveillance as was claimed. This had profound implications for the operation of the convict system, a theme which continues through the next two chapters, which deal with the accumulation of convict property and social autonomy.

CHAPTER FOUR

'A FISH-HOOK ON EVERY FINGER'?¹

CONVICTS AND THE ACQUISITION OF PRIVATE PROPERTY

¹ Observation on the convicts made by James Holman, *A Voyage Around the World, Including Travels in Africa, Asia, Australasia, America, etc. etc. from MDCCCXXVII to MDCCCXXXII*, Vol. III (London, Smith, Elder & Co.: 1834), p.129.

In 1817, George Smith, the Chief Judge of Mauritius, wrote: 'beyond the possession of life [the convicts] have no other property'.² Two years later, they were formally prohibited from owning any personal effects.³ It has been argued that convicts who engaged in economic transactions in Van Diemen's Land 'challenge[d] the *concept* of labour unfreedom', with the acquisition of property a clear challenge to 'unfree' status.⁴ This conclusion might also be applied to the Mauritian context. It is less clear, however, that convicts who held property in Mauritius contradicted colonial *practices* in any way at all. The limitations of surveillance allowed them to participate in transactions, with each other and the wider population. Moreover, overseers and other officials accepted the *de facto* existence of convict petty property, even becoming involved in economic activities with the convicts themselves. Such property was stabilising and perhaps also encouraged convicts to become partly self-supporting. This had obvious fiscal benefits for the colonial state.

Convicts sometimes acquired property illicitly, through theft, forgery or buying stolen goods. Such property could be kept for personal use or sold at a profit, albeit for lower than the true market value. If convicts were suspected of such offences, they were liable to trial by the courts in exactly the same way as slaves, apprentices, indentured labourers or free persons. Convicts also engaged in other legitimate activities which were tolerated by the authorities, however. They were paid a small gratuity which they could save or spend, in itself an incentive to enter into petty market relations as either consumers or entrepreneurs. Some convicts were employed by private individuals after working hours; others reared poultry or goats themselves. In economic terms, it is difficult to separate the 'legitimate' from the

² PRO CO415.15. Letter from G. Smith, Chief Judge, to G.A. Barry, 20th July 1817.

³ MA RA132. Letter from F. Rossi to G.A. Barry, 23rd August 1819.

⁴ Maxwell-Stewart, '*Convict Workers*', p.151. Emphasis added.

'illicit': illegal transactions may simply have intensified the accumulation which resulted from other legal activities.

Offences against property

In 1834, James Holman, a visitor to Mauritius, wrote: 'some of [the convicts] are not long in the Colony before they contrive to gain a little fortune'. He continued:

They are most determined thieves, and may be considered to have a fish-hook attached to the end of every finger, stealing any thing that can either be converted into money, or turned to any use.⁵

Holman clearly regarded the convicts with a great deal of suspicion, with their 'little fortune' gained solely through theft. Certainly, most convicts brought before the Mauritian courts were tried for crimes against property. Their offences, however, paralleled those of the wider population. Moreover, only a minority of the total convict population was involved. Holman's perspective thus lends more to cultural stereotyping than a reasoned evaluation of convict involvement in crime.

At the same time, the circumstances in which thefts took place often reveal the realities of daily life in the convict system. Despite the rhetoric of control, surveillance and social segregation, convicts frequently left their camps and mixed freely with the general population. This provided them with opportunities to acquire property; some convicts were even convicted together with non-convict associates. Property was accumulated for personal consumption or as a medium of exchange. Stolen poultry, goats and clothing supplemented government rations. Clothing and jewellery may, indeed, have become a marker of status, with petty luxuries gained for personal use. The sale of such goods and others, such as cloth or silverware, could also be very lucrative, providing another motive for theft. Paradoxically,

⁵ Holman, *A Voyage Around the World*, p.129.

arrest was often facilitated by the frequency with which convicts went around the island's establishments to sell and exchange goods. They were thus widely known and easily recognised and detected when suspected of crime.

FIGURE IV.1
CONVICT CONVICTIONS FOR CRIMES AGAINST PROPERTY

Offence	No. of convicts
Aggravated robbery	1
Robbery	4
Robbery & poisoning	1
Robbery by violence	2
Robbery by night	3
Gang robbery	7
Gang robbery by violence	1
Gang robbery by night	6
Attempted gang robbery	1
Petty theft	19
Handling stolen goods	2
Forgery	3
(Total)	(51)
Other	31
Total	81

Source: MA JA/JB series: refers to all convicts brought before the Police Correctionnelle or Court of Assizes after 1815.

Before Ordinance Five (1835), relatively few convicts came before the Police Correctionnelle or Court of Assizes for theft. In one such case, Joidore was tried for burgling a shop on the Pamplémousses road. A considerable amount of clothing, saltfish, wine, tobacco and silverware was stolen. Marie Séraphine, the free woman who ran the shop, immediately suspected the convicts working nearby, for a hole connected her basement to the road. Marie Séraphine asked the overseer at Pamplémousses convict camp, William Blackburn, to make enquiries. Illustrative of the general acceptance of the existence of private property amongst the convicts, Blackburn ordered them to bring out their effects to be inspected. Nothing suspicious was found, so he searched their huts. Joidore had already shown Blackburn his 'legitimate' possessions, but hidden in a blanket under his bed were: a

white shirt; two pairs of white trousers; a cooking pot; some tobacco; a white handkerchief; and, some saltfish. Marie Séraphine, who recognised the goods as the stolen merchandise, knew Joidore. He had visited her shop on several previous occasions. Now, Joidore claimed to have bought the goods from an unknown slave. His stated intention was to consume the tobacco and saltfish himself, but resell the other goods at a profit.⁶

Narahime and Bourdaye were accused of gang robbery in 1832. Rugs, bedclothes, clothing, a comb and \$500 had been stolen from Mme Emilie Caurier, in the district of Flacq. In one of the few pre-1835 cases where the crime was serious enough to merit a punishment beyond the convicts' current sentence of transportation (they were armed and used violence), the men were found guilty, sentenced to twenty years' (re)transportation⁷ and in 1833 went to the Cape of Good Hope on board the *Mary Jane*.⁸ They were incarcerated on the Robben Island penal settlement until 1840, when they were released and returned to Calcutta. It appears that the Cape government was unaware of their twice-transported status.⁹

After Ordinance Five, the number of convicts tried greatly increased. In 1838, Seckhossen was convicted of stealing clothing and personal effects belonging to the watchman of a plantation. The watchman, Charlin, had allowed Seckhossen and his non-convict accomplice, Ramchand, to stay the night in his hut. After he fell asleep, they robbed him.¹⁰ In 1839, two convicts, Merwandgee Dorabjee and Pestonjee

⁶ MA JB167. Trial of Joidore. Evidence of the Court of First Instance, 5-6th July 1825 and verdict of the Court of Assizes, 19th November 1825.

⁷ MA JB242. Trial of Narahime & Bourdaye. Police report, 12th September 1831; evidence of the Court of First Instance, 17th October 1831; statement of the Procureur Général, Court of Assizes, 12th April 1832; and, verdict of the Court of Assizes, 17th April 1832.

⁸ MA RA121. Letter from Governor Lowry Cole to Hamilton, 24th October 1832 and MA RA492. Letter from J. Finnis to G.F Dick, 17th September 1832.

⁹ MA RA818. Letter from J. Montagu, Colonial Secretary Cape Colony, to G.F. Dick, 9th October 1845. Also cited in Hugh Tinker, *A New System of Slavery; The Export of Indian Labour Overseas 1830-1920* (Oxford, Oxford University Press: 1974), p.46.

¹⁰ MA JA63. Police Correctionnelle, 20th April 1838.

Rustonjee, were accused of shopbreaking in Port Louis. They stole nine Chinese crepe shawls, some tea and a bag of sugared candy. Merwandgee was arrested after he sold one of the shawls to Melle Merville. Suspecting that it was stolen, she took it to the police. Merwandgee was brought in for questioning and then implicated Pestonjee Rustonjee in the crime. A bag containing 4lbs of black tea was later found in his hut. Given the price of tea which was, in real terms, more expensive than today, the booty was worth more than a trifling sum.

In the course of the investigation, all the convict huts at Grand River were searched. A number of suspected stolen goods were found in the possession of other convicts. Bascar, for example, had a silver spoon, supposedly bought from an apprentice about five years previously. Acca had two pairs of trousers and a jacket, but denied they were his. An harmonica was found in Anoulatra's hut. He claimed to have bought it for 100 sous. Isemerjbarty was found in possession of a pair of earrings and some cutlery. These men were not charged, however, for lack of evidence that the goods were stolen. Merwandgee, on the other hand, was found guilty and sentenced to ten years' forced labour. Perhaps in an attempt to escape punishment by turning informer, Pestonjee counter-claimed that Merwandgee had given him the tea.¹¹ As the only evidence against him was Merwandgee's, he was acquitted. At the same time, the ability of convicts to accumulate property is evident, whatever the means by which it was acquired. As in Joidore's case, the general search of the convict camp was clearly unusual. There was evidently no systematic surveillance of convicts to detect illicit possessions.

Similar offences took place throughout the 1840s. In some cases convicts acted alone; in others in concert with other individuals. Kisnou stole a bale of straw,

¹¹ MA JA64. Verdict of the Court of Assizes, 30th September 1839.

presumably for his own goats, from Sr Henry Barlow.¹² Narsou stole a waistcoat and a pair of trousers from a government apprentice.¹³ Rajepal was also found guilty of stealing an umbrella from a shop.¹⁴ Nala Lihar, a convict stationed at Grand River, was convicted of stealing a goat.¹⁵ Bharux Bhagdee was convicted of stealing a substantial amount of goods from Melle Louise Etienne's house. These included apparel and an iron box containing a small silver spoon, jewellery and trinkets.¹⁶ Arjounram, a convict working at Grand River, was found guilty of stealing from a jeweller's shop in Port Louis. He took three polishing brushes and some ends of file from the jeweller's draw, to use in making jewellery to sell. He was sentenced to three months' imprisonment.¹⁷

Bonasing was found guilty of stealing from the Indian indentured labourer Goolamie's hut in Moka. He took a wooden box, four coloured *kapras* (pieces of cloth), three linen jackets, a silk handkerchief, a silk jacket, a *lota* (water pot) and, in an indication that he was aware of his victim's relative wealth, a book of his 'goods and chattels'. He was sentenced to three months' imprisonment.¹⁸ Guribolla was found guilty of stealing a piece of twill cloth from Mr Henry Sapet. He was sentenced to six months in prison with labour.¹⁹ In a classic example of workplace theft, the convict post office courier Jettoo stole a lamp from the offices of the Postmaster General. He was sent to prison for four months with labour.²⁰

Several convicts also acted in concert with other individuals. Doulale and a woman named Mélanie were convicted of stealing a goat belonging to Sr Graves. They then

¹² MA JA71. Police Correctionnelle, 20th August 1841.

¹³ MA JA71. Police Correctionnelle, 26th November 1841.

¹⁴ MA JA71. Police Correctionnelle, 30th April 1841.

¹⁵ MA JA73. Police Correctionnelle, 25th February 1842.

¹⁶ MA JA73. Police Correctionnelle, 24th June 1842.

¹⁷ MA JA90. Police Correctionnelle, 16th July 1847.

¹⁸ MA JA93/101. Police Correctionnelle, 3rd & 28th April 1848.

¹⁹ MA JA103. Police Correctionnelle, 1st June 1849.

²⁰ MA RA1208. Letter from S. Brownrigg to C.J. Bayley, 15th August 1853.

sold it to another woman for the sum of seven piastres and, as punishment, they were each sent to prison for three months with hard labour.²¹ Boondsing stole seven chickens from Sr Gertrude's residence in Plaines Wilhems. He carried out the theft with two unknown accomplices. The three went to Gertrude's watchman, Gabriel, on the pretext of wishing to cooking their food in his hut and stole the poultry.²²

Cases involving handling stolen goods also regularly occur in the records. Three government apprentices were found guilty of burglary in 1831. They confessed to selling the stolen goods to a convict named Basarate Can, who was subsequently accused of receiving. His story was that he had been working on the road at Grand River when a man came and offered to sell him a shawl and three necklaces. On enquiring whether the goods were stolen, the vendor had assured him that they were not. Basarate Can took the goods on credit, promising to repay four piastres within four days, whilst planning to resell the goods for at least twenty rupees. As it could not be proved that Basarate Can had known that the goods were stolen he was acquitted.²³ However, the large difference between the price he paid for the goods and the price he anticipated receiving for their resale, suggests he was well aware that a receiver could strike a hard bargain with a thief. The transaction thus reveals that goods were being exchanged on credit terms, which speaks for the relative economic sophistication of these men. One suspects a reproduction in Mauritius of Indian petty credit practices. Indeed, in 1839, a bond for \$50 was found in a convict's hut in Port Louis. The convict stated that he had obtained it under the promise of paying six rupees per month interest to a free Indian *sirdar* who was attached to the police.²⁴

²¹ MA JA69. Police Correctionelle, 21st August 1840.

²² MA JA80. Police Correctionelle, 26th March 1847.

²³ MA JB277. Trial of Basarate Can. Evidence of the Court of First Instance, 14th October 1830 and verdict of the Court of Assizes, 23rd June 1831.

²⁴ IOL P.402.46. Letter from J. Finniss to J. Burrows, Captain of Police Bombay, 3rd October 1839. BomC&J, 27th May 1840.

In a similar case, Saquias and Soomir were accused of receiving a gold comb, a three-strand gold chain and a pair of silver tweezers. Mme Durup had been burgled. Her niece's servant told her mistress that her friend Virginie, who cohabited with a convict at Plaine Magnan, had a gold comb of the same type as that stolen. The police questioned Virginie at the convict camp. She claimed the comb was given to her by her partner, the convict Saquias. He claimed to have purchased the comb in Port Louis for six piastres. A search was made of the convict camp and some other jewellery was found in Soomir's hut; Soomir provided the same explanation. Both men pointed out an Indian named Bocary as the man who had sold them the goods.²⁵

The problem for the police was to prove purchasers of stolen goods knew they were stolen. Thus, Summa was acquitted on these grounds. The apprentice Edouard had been found guilty of stealing a waistcoat and a pair of braces from Emile Merotte, a fisherman in Grand Bay. Summa testified that he was returning to his camp at Powder Mills when Edouard sold him a waistcoat for ten sous.²⁶ In another 1834 case, the convict Ebdella was accused of receiving stolen goods from the Indian domestic Paliandy, who had taken a substantial amount of silverware from his master. The goods were later found in Ebdella's hut.²⁷ It was not established that Ebdella had known the goods were stolen, however, and so he was acquitted.²⁸ Similarly, in 1831 Sibballi was taken to court after he was found in possession of some cloth and two shirts which had been stolen from Mr Tennant. However, he stated that he had bought the linen from a slave for two piastres, claiming that he did not know that the goods had been stolen. Sibballi was subsequently acquitted.²⁹

²⁵ MA JB334. Trial of Bocary, Saquias & Sommir. Evidence of the Court of Assizes, 13th March 1834. Unfortunately, there is no record of the verdict in this case.

²⁶ MA JA51. Police Correctionnelle, 16th September 1834.

²⁷ MA JB332. Trial of Paliandy & Ebdella. Evidence of the Court of First Instance, 3rd May 1843 and evidence of the Court of Assizes, 7th June 1843.

²⁸ MA JA77. Verdict of the Court of Assizes, 29th June 1843.

²⁹ MA JB227. Trial of Sibballi. Police reports, 20th & 26th September 1831; evidence of the Court of First Instance, 26th October 1831; and, verdict of the Court of Assizes, 26th May 1834.

Not surprisingly in a sugar colony, sometimes convicts stole sugar cane. In 1827, for example, a convict was found stealing cane from Sr Labutte's estate.³⁰ After a search was made, a quantity of stolen cane was found in the nearby camp at Rivière Noire.³¹ The convict Cassal was arrested on a similar charge in April 1827.³² Two convicts were arrested when M. Legentil caught them stealing sugar cane from his property in 1829.³³ In 1831, a convict was arrested by the watchman Manoel, stealing sugar cane from an estate in Plaines Wilhems.³⁴ In 1840, the convict Gonah was accused of stealing sugar cane from the Mon Désire plantation.³⁵ Later that year, the convict Bickia was found stealing sugar cane from an estate in Ville Bague.³⁶ Sugar could be used to supplement convict rations. However, it could also be used as a medium of exchange and was thus a potential source of income.

Wood was another target for convict thieves. In 1846, J.A. Lloyd expressed concern that the 'convicts maraud about the country and pilfer wood from the properties of private individuals'.³⁷ It is likely that this was the result of the convicts being given inadequate wood fuel rations, as wood was taken for personal consumption as fuel rather than as a medium of exchange. Moreover, given the socio-economic origins of the convicts, many of whom practised swidden cultivation in India, it is unlikely that they perceived the appropriation of wood as theft. They may well have had the same attitude to the appropriation of sugar cane, regarding it as a legitimate activity.

³⁰ MA Z2A30. Police report, Rivière Noire, 10th March 1827.

³¹ MA RA335. Police report, 10-12th March 1827.

³² MA Z2A41. Police report Savanne, 16th-21st April 1827.

³³ MA Z2A51. Letter from J. Finniss to W. Staveley, 23rd March 1829.

³⁴ MA RA455. Police report, 31st December 1830-4th January 1831.

³⁵ MA Z2A125. Letter from F. Langlois, Civil Commissioner Pamplemousses, to J. Finniss, 14th March 1840.

³⁶ MA RA920. Letter from E. Magon, Civil Commissioner Ville Bague, to J. Finniss, 19th July 1847.

³⁷ MA RA884. Letter from J.A. Lloyd to C.J. Bayley, 17th July 1846.

The fact that such appropriation took place suggests, in some instances, a degree of socio-cultural continuity from their lives in India.³⁸

There were also allegations that the convicts were involved in melting down stolen goods made out of precious metals. In 1845 it was discovered that Indian immigrants were taking silverware to be melted down by a convict silversmith in Moka. The convict camp was obviously relatively open. John Finniss, the Chief of Police, wrote:

I have on several occasions brought to the notice of government the facility given to the theft of plate, watches &c. by the promptness with which it is known they are melted down in some of the Convict Camps ... Under these circumstances I would beg leave to suggest that the convicts should not be allowed to have utensils of this nature in their possession, and that orders should be given to the overseers to assist the police in their researches.³⁹

As a result of police enquiries, an order prohibiting the convicts from melting down coins or working in gold or silver was made.⁴⁰

Convicts' relative degree of freedom to interact with the general population laid the ground for periodic conflicts. Wide involvement in economic exchange inevitably led to disputes about money. In September 1821, for example, the convict Same was accused of robbing Marie Louise Mayon, who lived in Flacq. Marie Louise claimed that she had been assaulted by a group of convicts until she lost consciousness. She came round several hours later, realising that she had been robbed of a substantial amount of jewellery and the sum of almost \$300. Four religious engravings were also missing, together with a trunk containing all her clothes.

³⁸ Similarly, it has been argued that during the transition to capitalism in Britain there was a clash between the traditional appropriation of goods and new laws designed to protect private property. See Linebaugh, *The London Hanged*.

³⁹ MA RA824. Letter from J. Finniss to G.F. Dick, 5th May 1845.

⁴⁰ MA RA824. Report of J.A. Lloyd, 5th May 1845.

Louise Pierre Morice, Marie Louise's servant, was present at the time of the robbery. She recognised Same as one of the assailants because he had frequently been to the house to sell rice. Also, as Same confirmed, she had often been sent to the convict camp to buy rice from him. On the day of the robbery, according to Louise, Same told her that if Marie Louise did not pay him three piastres she owed for rice, he would come and beat her. On the morning after the robbery Marie Louise went to the convict camp to make a complaint against Same. She admitted that she had not yet paid for some rice bought from Same, claiming that she did not have enough money to do so. Same denied the charges against him, although he said that he had often given Marie Louise rice and poultry for which she never paid.⁴¹ This looks like the motive for the assault and robbery. Lacking other means of redress for breach of contract, Same appears to have decided to demonstrate that he was not a man to be cheated.

Many more convicts were reported to the police for theft than were subsequently tried by the courts. Some of these reports were allegations of theft from the person, others complaints of theft from shops or private property. In several instances convicts were found in possession of the stolen goods. Probably, convict involvement in theft and trafficking was higher than indicated in criminal records. However, in other cases claims against convicts were never substantiated enough for indictment. This might indicate unwillingness to bring the convicts to trial, particularly before the change in the law in 1835. At the same time, it points to a society quick to accuse the convict population of theft, but sometimes slow to prove it. Assumptions were often made, on scant or no evidence, that particular offences were committed by convicts. However, there was often no hard proof to support these claims. Indicating the suspicion with which convicts were regarded, in 1833

⁴¹ MA JB138/JA88. Trial of Same. Evidence of the Court of First Instance, 16th June, 17th July & 4th October 1820 & 8th September 1821; police report, 11th May 1820; and, verdict of the Court of Assizes, 8th September 1821.

two *lascar* sailors were sent to the police as convict deserters.⁴² Moreover, it is possible that convicts were deliberately blamed for theft by guilty parties in order to lead suspicion away from themselves. Where other elements of the population were found in possession of stolen goods, there were frequently unsubstantiated claims of purchase from convicts.

In 1827, for example, a creole woman complained that four convicts had robbed her hut the night before. However, she did not know who they were and could present no other evidence. This suggests that she merely supposed that convicts 'must' have robbed her.⁴³ At the end of the year, there was another complaint that the convict Imambacosse had stolen some laundry from a slave.⁴⁴ Later in 1831 the slave Laramée complained that a convict had stolen his handkerchief which contained \$2.50.⁴⁵ Another slave, Hilaire, also accused three convicts of stealing a bag containing some money from him.⁴⁶ The woman Alida claimed to recognise a goat she had lost twelve days before in the convict camp in 1832.⁴⁷ In 1835, the woman Clemmira complained that the convict Shaik Assen had stolen seven rupees from her.⁴⁸ Later that year, an apprentice accused Ahmeel Khan Tyebjee of stealing a watch⁴⁹ and Mell was accused of attempting to steal eighteen piastres from the apprentice Castor.⁵⁰ Likewise, the apprentice Josephine Martial claimed that a convict in Plaines Wilhems had stolen her shawl and seventy-five centimes.⁵¹ Piron and Louis Vereil also stated that two convicts stole fourteen piastres from them on the Grand Port road.⁵² None of the accused convicts were ever arrested and there is

⁴² MA RA540. Police report, 11-12th November 1833.

⁴³ MA Z2A40. Police report, Plaines Wilhems, 28-29th September 1827.

⁴⁴ MA RA332. Police report, 22nd-24th December 1827.

⁴⁵ MA RA456. Police report, 12-13th June 1831.

⁴⁶ MA RA457. Police report, 8-10th October 1831.

⁴⁷ MA RA475. Police report, 28-30th July 1832.

⁴⁸ MA Z2A76. Police report, 27th January 1835.

⁴⁹ MA Z2A80. Letter from M. Carey to J. Finnis, 13th February 1835.

⁵⁰ MA Z2A82. Police report, 31st March 1835.

⁵¹ MA RA276. Police report, 27-28th April 1835.

⁵² MA RA279. Police report, 24-25th November 1835.

no evidence that any of these allegations were ever substantiated sufficiently for an indictment and trial.

In several of these cases convicts were taken in and then released from police custody because there was no evidence against them. In 1825, four convicts accused of robbing Mme Batour - Facquira, Panoula, Pounay and Shek Houssen - were arrested and then released without charge, as there was absolutely no evidence against them.⁵³ Later that year, Condam and Eron were released in similar circumstances.⁵⁴ In 1830, the convict Ardeale was released from police custody after being 'falsely detained' for a violent robbery.⁵⁵ Later that year Sophie Feluie complained that her house had been burgled by convicts. However, as she was unable to recognise any of the convicts in an identity parade her allegations were open to doubt. No convicts were subsequently charged.⁵⁶ In November 1833, the convict Sheik Hussen was accused of involvement in the robbery of some jewellery from Mme Lablanchetais.⁵⁷ In December he petitioned John Finniss:

Mr Phinnies ... I beg if you will order to break open the chain from my foot; because I am not in crime, to ware chain in my foote ... 5 days after will be crissmiss [Christmas] that is a first between you all therefore beg you will break upon my chain from my foot.⁵⁸

With no evidence against him, he was released.

In other cases, convicts were charged and then acquitted by the courts. The convict Manique and the slave Honoré were acquitted of the theft of a silver spoon in 1831,

⁵³ MA RA279. Police report, 4-5th July 1825.

⁵⁴ MA Z2A31. Letter from J.M.M. Virieux, Procureur Général, to J. Finniss, 28th November 1825.

⁵⁵ MA RA434. Police report, 14-15th June 1830.

⁵⁶ MA Z2A60. Police report, 25th December 1830.

⁵⁷ MA RA504. Police report, 25-26th November 1833.

⁵⁸ MA Z2A74. Petition of Shake Hosen, 19th December 1833.

for example. There was absolutely no proof against either of them.⁵⁹ In 1836 Khabdoula was also acquitted of having bought two stolen silver forks from the apprentice Désiré. The only evidence against him was that of Désiré, and this was seen as insufficient.⁶⁰ In 1845, Aka, a convict employed as a servant to the Surveyor General, J.A. Lloyd, was also acquitted of stealing a flannel shirt and a piece of red cloth from a shop belonging to Sr Pierre Hugon in Port Louis. Again, there was insufficient evidence to secure a conviction.⁶¹

Nevertheless, some convicts certainly acquired property by theft and others bought stolen goods. At the same time, it appears that on some occasions convicts were accused of crimes in the absence of any evidence against them. It is impossible to say whether these accusations were without foundation. What is clear, however, is that it was widely recognised that convicts frequently left their camps and had the chance to steal. This gave them the same opportunities to acquire personal property as the general population.

Forgery

Given the nature and extent of the convicts' involvement in the economy, it is not surprising that several convicts were charged with or convicted of forgery. In the first case of its kind, John Herman Maas, the Dutch-Singalese convict, was arrested at Camp Malabar, on August 14th 1826. A slave named Dimanche had tried to spend a rupee in shop, but the shopkeeper, Hypolite Samba, had suspected that the coin was false and upon biting on it realised that it was made of iron. Dimanche claimed that he had obtained the coin from an Indian man named Maas who was still with him. A police officer on the spot arrested both men.

⁵⁹ MA JA42. Police Correctionnelle, 16th December 1831.

⁶⁰ MA JA56. Police Correctionnelle, 27th February 1836.

⁶¹ MA JA83. Police Correctionnelle, 29th August 1845.

Another forty-seven centimes in forged coins were found in Maas' pockets, together with coining equipment, including a small knife, a line, a small pair of scissors, two twenty-five sous coins and a few pieces of iron. Maas was subsequently found guilty of forgery and sentenced to fifteen years in irons followed by transportation for life.⁶² He appears to have been rather reckless for he had originally been transported for the same crime. It was initially suggested that Maas forfeit the first part of his sentence (fifteen years in irons) prior to being transported for life. However, the Council of Government decided that he should serve the entire sentence.⁶³ This decision was later reversed and, after a Proclamation of August 12th 1828, Maas was embarked on board the *Celia* for New South Wales.⁶⁴

In November 1832, the *cantine* owner Jossomme complained to the police against the convicts Maugul and Irra. Allegedly, they had tried to pass a forged rupee in payment.⁶⁵ Maugal Gursa and Houra Dourabji were accused of the same crime in 1833, but no charges were ever brought against them.⁶⁶ Later that year, the convicts Mahomed Khan Kyder Khan, Hajee Sophee Moonsa and Mahomed Ba Mookry were also accused of forging money.⁶⁷ In 1834, the convict Lada and the Indian Faqira were found guilty of forgery.⁶⁸ For some time, neighbours had suspected the two men. They called the police, who discovered them working in Faqira's yard, with a large cooking pot containing some rupees over charcoal embers. Several small bags of money were also found wrapped in the Lada's *dhoti*. When Faqira's house was searched, a trunk containing a quantity of iron and welded metal was also seized. Faqira denied the charges, asserting that he had hired his yard to

⁶² MA JB176. Trial of John Herman Maas. Proceedings of the Court of First Instance and verdict of the Court of Assizes, 16th August & 23rd September 1826.

⁶³ PRO CO170.1. Minutes of the Council of Government, 21st February 1827.

⁶⁴ MA RA371. Police report, 14-16th August 1828.

⁶⁵ MA RA476. Police report, 16-17th November 1832.

⁶⁶ MA RA512. Police report, 18-19th April 1833.

⁶⁷ MA RA506. Police report, 16-17th September 1833 and Z2A74. Letter from overseer G. Le Tourneur to J. Finnis, 13th September 1833, enclosing a list of names of convicts taken up at Grand River on suspicion of false coining.

⁶⁸ MA JA52. Verdict of the Court of Assizes, 4th April 1834.

some convicts in the belief that they made jewellery. He claimed to know nothing about the forging of coins. Lada also stated that he had been making some rings when he was arrested. However, there was a substantial amount of evidence against them and the two men were both sentenced to twenty years' forced labour.⁶⁹ Two more convicts were accused of forging money in 1835.⁷⁰ Later that year, a forged rupee was found in the convict camp at Ville Bague. However, it was not clear that it had been forged by convicts.⁷¹

Forging coins was clearly a good opportunity for the convicts to increase their personal wealth. In another case of forgery of a different kind, eight Indian labourers were arrested in the district of Savanne in possession of forged old immigrant tickets. They claimed that they had bought them from a *sirdar* on their old estate. When questioned, one stated that he had bought the tickets from the convict Manuel Dominique Debras for the sum of \$5. Manuel did not deny the charges. Thus he had stood to make a quick profit of \$40, a substantial amount of money.⁷²

Entrepreneurial activity

Convicts also showed a considerable degree of enterprise in acquiring property legally. There is evidence that some convicts brought money with them from India. The convict Nallaqui stated: ' "When I came to this country I had some money with me" '.⁷³ Others supplemented their rations or made money from breeding and selling poultry or goats. Purshadoo, for example, earned a considerable sum of money in this way. His overseer, Samuel Harris, stated that the convicts usually buried their

⁶⁹ MA JB268. Trial of Lada & Faqira. Police report, 27th August 1833 and evidence of the Court of First Instance, 2nd, 7th, 11th, 13th & 15th November 1833.

⁷⁰ MA Z2A76. Police report, 23-24th January 1835.

⁷¹ MA Z2A82. Letter from E. Magon to J. Finnis, 4th April 1835.

⁷² MA RA824. Letter from J. Finnis to G.F. Dick, 12th May 1845. Old immigrants were required to obtain a ticket which acted as proof of having completed their period of service. Carter, *Servants, Sirdars & Settlers*, pp.200-1.

⁷³ MA JB270. Petition of Mahamet Baugh Mookeu Mawlackey, 16th September 1833.

savings, a common practice in India.⁷⁴ The convict maroon Pirhally, too, stated that the money found on him when he was arrested had come from the proceeds of the sale of poultry and goats whilst he was still in the convict camp.⁷⁵

Such entrepreneurship was sometimes encouraged. After 1819, convicts were permitted to hire themselves out as servants or labourers once their government tasks had been completed.⁷⁶ Overseers were subsequently involved in economic transactions with convicts. In 1831, overseer Boyle Finniss acknowledged buying five chickens from the convict Samdoby at a cost of \$1.35. He said that Samdoby also did laundry for the Chief of Police himself, to earn extra cash. Similarly, the convict Debida stated that he was given permission by his overseer to go to Port Louis to sell seventeen chickens. He had been accompanied by Cita and Sora, who also had poultry to sell.⁷⁷ Other convicts earned money as carpenters or builders after normal working hours. Mooktaram Goindah, for example, stated that he earned extra money through raising goats and poultry and by working as a mason in the evenings and on Sundays.⁷⁸

In 1847 it was directed that:

The Convicts in any part of the Colony are permitted if they so choose to work after 12 o'clock Saturday for themselves and for their own individual profits for any private person or work provided they have behaved well and they are never absent from their roll call either Saturday night, Sunday morning or evening.⁷⁹

⁷⁴ MA JB239. Trial of Charles & Narcisse. Police Report, 20th July 1831.

⁷⁵ MA JB183. Evidence of the Court of First Instance, 4th January 1827.

⁷⁶ PRO CO167.45. Despatch from Acting-Governor Darling to Lord Bathurst, 6th May 1819, enclosing a letter from the Civil Engineer's Office, March 11th 1819.

⁷⁷ MA JB234. Trial of Gitoo. Evidence of the Court of First Instance, 22-23rd December 1831.

⁷⁸ MA JB211. Trial of Mooktaram Goindah. Evidence and verdict of the Court of First Instance, 12-13th March & 3rd April 1830.

⁷⁹ PRO CO167.287. Report of the Committee appointed to inquire into the present state of the Indian Convicts and the most expedient mode of employing them now that the effectives are so reduced in number, 20th July 1847.

This recommendation was not a sweeping concession. As well as being an attempt to encourage good behaviour, the order simply formalised the unofficial mechanisms through which the economic integration of the convicts in Mauritian society had already been assured. At the same time it underlined the powerlessness of the authorities to prevent such activity, while opening the prospect of regulating it and so widening the armoury of social control. As in 1819, the order was also clearly related to attempts to encourage the self-dependency of the convicts, by now a dwindling population. If convicts became self-supporting, it removed a degree of fiscal pressure from the colonial state.

Where convicts were found to have goods in their possession, however, the authorities sometimes suspected them of having obtained them illicitly. In 1819, for example, the convict native writer Tallekdar was found with \$32 in paper money and twenty cents in cash, made up of mohurs, marquees, sicca rupees and copper coin.⁸⁰ Upon a search of his hut, two bags of flour and bran were also found:

The hut was also filled with many more goods than ought to be at any time in possession of a convict, I ordered every article out of the hut, and his boxes to be opened. A small writing desk was found and in the box was found 2 watches - 1 silver and 1 copper gilt, and the money outlined previously.⁸¹

Tallekdar said that he had bought the flour and bran a long time ago. However, it was assumed that they had been stolen, along with the other goods. It was also decided that the money was acquired illicitly. He received 150 lashes in the presence of a medical officer, with hard labour after discharge from the civil hospital.⁸² In another case, in 1841, a silver spoon found on Ayemolla and Carim

⁸⁰ mohur: gold coin of British India, worth R15.00; marquee: Indian coin, worth 7 1/2d; sicca rupee: coined under the Government of Bengal, of greater value than the Company rupee.

⁸¹ MA RA132. Letter from F. Rossi to G.A. Barry, 23rd August 1819, enclosing a police report, 23rd August 1819.

⁸² MA RA131. Letter from F. Rossi to G.A. Barry, 20th September 1819, enclosing a list of money received from F. Rossi.

was 'presumed stolen'.⁸³ Some silver plate was discovered in the possession of the convict Luximen later that year. Again it was said that it was 'no doubt stolen'.⁸⁴ It was subsequently ordered that all three convicts be punished by their overseers.

In a clear indication of the existence of convict property, convicts sometimes made complaints to the police that they had been robbed of money, poultry or goats. In 1833, for example, the convict Lila was accused of stealing two ducks and a chicken from another convict, Pandly.⁸⁵ In 1840, the convict Ramparsande accused a fellow convict Perbacosse of stealing his money.⁸⁶ In 1841, the convict Soundargee complained that two Indians, Bassapa and Narsoo, had robbed him.⁸⁷ Finally, in 1849, Cundoo was found guilty of stealing a goat belonging to Calloo, a fellow convict.⁸⁸

In 1833, overseer Thatcher gave information that the chief overseer, William Clover, owed the convict commander Sooditch eighty shillings. Thatcher added that he had evidence to suggest that Clover owed another convict 100 rupees. He believed that Clover 'owes a very considerable amount to other convicts' and suggested that there be a thorough investigation.⁸⁹ There is no record that any such enquiry took place. However, the power relationship between convicts and overseers was evidently quite different to the (colonial) dominance and (convict) subservience which rhetoric suggested. It is possible that convicts were profiting from their chief overseer. On the other hand, convict creditors may have been attempting to secure favourable

⁸³ MA Z2A143. Letter from J. Finniss to O. Desmarais, Procureur Général, 5th February 1841.

⁸⁴ MA Z2A143. Letter from J. Finniss to O. Desmarais, 21st September 1841.

⁸⁵ MA RA506. Police Report, 28-30th September 1833.

⁸⁶ MA Z2A133. Letter from J. Finniss to Prosper d'Epinay, Procureur Général, 11th July 1840.

⁸⁷ MA Z2A160. Letter from M. Hugnin, Civil Commissioner Plaines Wilhems, to J. Finniss, 21st September 1841.

⁸⁸ MA JA105. Police Correctionnelle, 23rd March 1849.

⁸⁹ MA JB270. Trial of Nallaqui. Letter from overseer S. Thatcher to J.A. Lloyd, 13th September 1833.

treatment or avert Clover's wrath. What is clear is that they had the financial resources to do so.

In three other cases, convicts were found robbed and murdered. This indicates that certain convicts were widely known to be in possession of a considerable degree of wealth. In 1837, the post office courier Tulluck Chund was murdered and then robbed of two pieces of cloth, his money and a mohur necklace.⁹⁰ On December 17th 1826, the convict Gooyé was murdered at Plaines des Roches in the district of Flacq. His skull had been fractured by a large rock which was later found near his body. Overseer Nicol stated that it was widely known that Gooyé kept a great deal of money in his *dhoti*.⁹¹ In 1832, the slaves Charles and Narcisse were also accused of murdering the convict Purshadoo (*alias* Rampursha). The accused knew Purshadoo as they lived on the same plantation as his concubine, the slave Irma. They had, she said, told her that they killed Purshadoo with an iron rod, threw his corpse over the waterfall and then shared his money between them. They denied the murder, although Charles admitted a long acquaintance with Purshadoo, through visiting the convict camp to buy rice and saltfish.⁹²

Convicts had the opportunity to carry out a wide range of legal and illegal economic transactions with each other, their overseers and the remainder of the Mauritian population. Indeed, it was difficult to distinguish the forbidden from the permitted, as the widespread existence of private property, however it was acquired, was both acknowledged and accepted within the convict system. Despite initial directives prohibiting convict property, personal possessions in practice became an accepted feature of everyday convict life. This economic autonomy extended to other

⁹⁰ See chapter seven.

⁹¹ MA JB183. Police report, 22nd December 1827 and evidence of the Court of First Instance, 4th January 1827.

⁹² MA JB239. Trial of Charles & Narcisse. Police report, 21st May & 1st & 2nd June 1831; evidence of the Court of First Instance, 15-23rd June & 20th July 1831; and, statement of the Procureur Général, Court of Assizes, 25th April 1832.

interactions with the wider population; this will be the focus of the following chapter.

CHAPTER FIVE

**'THE NEGRESSES WILL GO TO THE CONVICTS AND
THE CONVICTS WILL COME TO THEM ...':¹**

CONVICT SOCIAL AUTONOMY

¹ MA Z2A65. Letter from W. Clover to J. Finniss, August 12th 1831.

Resistance historiography has predominantly emphasised the importance of individual or collective subaltern agency. Indeed, there is ample evidence that the economic imperatives of the convict system in Mauritius (labour extraction) were challenged through intentional, direct action.² A 'Hobbesian view' of social life as one *primarily* characterised by conflict, however, is problematic.³ Consequently, a number of colonial historians have focused on the significance of culture, seeing it as a non-violent and often unconscious form of resistance.⁴ As Foucault has written in his examination of the diffusion of micro-power, an analysis of the interplay between the individual, the subject and power: 'People know what they do; they frequently know why they do what they do; but what they don't know is what they do does'.⁵

Marina Carter states that the most enduring form of resistance for indentured Indian immigrants in Mauritius was 'the struggle to maintain an autonomous personal and cultural life on the estate'.⁶ The importance of leisure time and personal relationships to slaves on the island has also been well documented.⁷ There is also evidence that the convicts in Mauritius retained or adapted certain cultural practices. These were not necessarily a mere reaction to the experience of transportation; in many cases convicts adapted existing cultural practices to new surroundings. Moreover, rather than being repressed in a cultural struggle, particular aspects of convict social autonomy were ignored, tolerated or even encouraged by colonial

² These will be discussed in chapters six and seven.

³ Sherry B. Ortner writes: 'A Hobbesian view of social life is surely as biased as one that harks back to Rousseau'. See 'Theory in Anthropology Since the Sixties', in Nicholas B. Dirks, Geoff Eley & Sherry B. Ortner (eds), *Culture/Power/History: A Reader in Contemporary Social Theory* (Princeton, Princeton University Press: 1994), p.394.

⁴ See, for example, Nicholas B. Dirks, 'Ritual & Resistance: Subversion as a Social Fact', in Dirks, Eley & Ortner (eds), *Culture/Power/History*, pp.483-518 and Jonathon Glassman, *Feasts and Riots; Revelry, Rebellion and Popular Consciousness on the Swahili Coast, 1856-1888* (London, James Currey: 1995).

⁵ Foucault, 'The Subject & Power', p.187.

⁶ Carter, *Servants, Sirdars & Settlers*, p.236.

⁷ Nwulia, *The History of Slavery*, pp.59-62.

rhetoric and/or practices, despite the fact that they enabled retention of a sense of autonomous subjectivity in the face of an objectively unfree 'convict' status.

Given the problems of control which the authorities faced, this was sometimes because they were powerless to stop it. However, a degree of cultural autonomy differentiated the convicts as a socially distinct (and easily recognisable) group. It also fostered social stability. Both assisted the colonial authorities. Nevertheless, aspects of social autonomy could be intertwined with direct action against the convict system, as convicts fiercely protected particular cultural practices. Moreover, those same cultural practices were sometimes deliberately employed as weapons of direct resistance. In these cases, the authorities did not hesitate to bring departmental sanctions or the criminal law into play. Tolerance had its limits, although the line between direct action and cultural negotiation was often exceedingly fine.

Convict cohabitation and family life

Ineffective surveillance over the convicts made it relatively easy for them to interact with other social groups on the island. Perhaps the most enduring manner in which the convicts negotiated their place within Mauritian society was through family relationships. Although many left families in India,⁸ much evidence reveals that they established intimate relations after their transportation. Indeed, it is perhaps significant that not a single reference was ever made to 'unnatural crimes' (sodomy) amongst the convicts. Inevitably, numbers of convicts had children. This contrasts starkly with Governor Farquhar's initial concerns about exclusively male convicts entering the colony. In an attempt to encourage permanent settlement by permitting the 'female connections' of the convicts to accompany them, he hinted that the

⁸ PRO CO167.124. The Commissioners of Eastern Enquiry suggested that 286 of the 1018 convicts hitherto received had left families in India, including 270 wives and 446 children. Appendix 23: Return of the number of Indian Convicts at Mauritius, 30th October 1824.

enforced celibacy which, he imagined, would otherwise result, would be almost as cruel as the punishment itself. Despite this, upon the convicts' arrival on the island, directives that they should not mix with the existing population implicitly prohibited relations with Mauritian women.

Illustrating how widely this directive was ignored, the chief overseer William Clover wrote to John Finniss in desperation, concerning his lack of effective authority over the convicts in these respects:

The negresses will go to the convicts and the convicts will come to them. I try all I can to stop them - it is impossible. Reprimand them yourself as one word from you will frighten them better than 20 words from me.⁹

Hutted in open camps all over the island, the convicts found it easy to slip away to their concubines at night. At the same time, women were able to gain access into the camps. Cohabitation became an integral part of convict life. Indeed, in 1842, the Surveyor General wrote that the convicts 'reside where they please'.¹⁰

The convicts' ability to find concubines reveals several interesting phenomena. It exemplifies the relative freedom with which they eluded the 'surveillance' of their camps. It shows them as willing and able to interact with both non-convict Indian women and women of alien ethnicities and cultures. In a situation where colonial males far outnumbered females, evidently at least some of the convicts possessed material or resources adequate to attract partners and support family dependants. Such relationships were tolerated and even supported by certain authority figures, as a means of encouraging social stability. This was particularly in evidence when officials decided convict petitions for liberation. Social interaction and cohabitation,

⁹ MA Z2A65. Letter from W. Clover to J. Finniss, August 12th 1831.

¹⁰ MA RA708. Letter from J.A. Lloyd to G.A. Barry, 23rd February 1842.

particularly with non-Indian women, also implies that at least some of the convicts acquired the *lingua franca* of the island, creole. Indeed, many convicts interviewed by the police and involved as defendants or witnesses in criminal trials were able to communicate using the language. Similarly, when the convicts at Mr Hughes' silk establishment were interviewed in 1829, it was said that 'the men could speak sufficient Creole French to make themselves understood'.¹¹

There are many examples of convict cohabitation during this period, whether with free women, Indian women, slaves or apprentices. In 1828, the slave Charlotte was arrested when she was found with her 'husband', a convict. She was later released from police custody when her master, Sr André, declared that he had given her permission to go and visit the man.¹² He was clearly aware of the relationship and seemed unconcerned by it. In 1831, the convict Symdaker was arrested together with the slave woman Euphrasie, whom he claimed was his wife.¹³ A maroon slave woman, Dorinde, was also said to be living with a convict.¹⁴ The 'Portuguese' convict Manuel lived with the government apprentice Emilie; both worked in the civil hospital.¹⁵ The convict Abdullah stated that his wife, Angélique, was a government apprentice who lived in Port Louis.¹⁶ A friend of the convict Dadjee Baghowjee, who committed suicide in 1837, said that he had a wife.¹⁷

This is not say such relationships were friction-free. In 1829, the woman Marie Elisabeth came to complain to the police that her husband, the convict Soucramamode, had taken all her clothes and refused to give them back. She had left him, she said, for frequently mistreating her, although when called in for

¹¹ MA RA408. Extract from F. Shearman's report, 26th January 1829.

¹² MA RA365. Police report, 12-13th December 1828.

¹³ MA RA457. Police report, 21st-22nd November 1831.

¹⁴ MA Z2A72. Letter from J. Finniss to G.F. Dick, 26th August 1833.

¹⁵ MA Z2A74. Letter from A. Montagu, Surgeon in Charge, to J. Finniss, 15th August 1833.

¹⁶ MA JB281. Trial of Abdullah. Police report, 2nd October 1835.

¹⁷ MA RA567. Police report: interview with the convict Oma Echagee, 20th September 1837.

questioning, he denied this. The police eventually persuaded Marie Elisabeth to go back to her convict on the condition that he should behave better in the future.¹⁸ In 1831 Marie Elisabeth again went to the police. She stated that her 'real' (or perhaps 'new') name was Bertie Pierrot, that she was aged about twenty-three, and had been a slave until she was emancipated by Soucramamode two years' previously. However, he had since died, leaving her destitute, so she wished to be placed on government rations.¹⁹ Soucramamode had thus accumulated wealth, enough to buy her freedom. It is a strange paradox that at the same time as she was disassociating her name from slavery in the most literal of senses (becoming Bertie Pierrot), he was still a convict. At the same time, allegations that he had 'mistreated' her suggest that he may have viewed her as personal property of a similar kind to a slave.

Other convicts used financial incentives when seeking concubines. In 1829, two slaves claimed that the 'Portuguese' convict John Marian Decosta had given them money to try and persuade them to live with him. Jenny and Félicité, Widow Rouillard's maid and seamstress, were given ten piastres each. They told their mistress of the proposition when they realised that the money was stolen.²⁰ In 1832, another convict, Kindrie, complained to the police that the slave Louison, with whom he had cohabited for six months, had left him, stealing his cloth and thirty-seven piastres.²¹ Presuming that his savings were hidden, possibly buried, she was clearly well aware of his concealed wealth.

Sally Collier, the daughter of a soldier in the 29th Regiment who had left Mauritius several years previously, also cohabited with a convict named Meerwangee. Not surprisingly, her choice of a convict partner was explained away on the grounds that

¹⁸ MA RA365. Police report, 11-12th December 1828.

¹⁹ MA RA451. Letter from J. Finniss to J. Smith, Acting Chief Secretary to Government, 2nd March 1831.

²⁰ MA JB221. Trial of John Marian. Interrogation of Jenny & Félicité, Court of First Instance, 7th September 1829.

²¹ MA RA473. Police report 10-11th January 1832.

she was 'of very weak intellect'.²² However, she had a daughter named Sarah and a young son, for whom she presumably needed to find means of support.²³ Whether he was the children's father or not, Merwangee may have been a sound financial bet. Although the records do not reveal whether Sally Collier was white or Eurasian, it is possible that her father had seen service in Bengal and, even if her mother was not Indian, she may have spoken Hindustani. At the same time, there was no barrier, at this time, within plebeian British society, to white women having sexual relations with African or Asian men.²⁴ Therefore Sally Collier was breaking the social taboos of a sugar colony with its structure of white rulers and masters and a non-white workforce; she was not violating any working class social taboo of her times. Her relationship with a convict clearly transgressed the boundaries of colonial expectations, however, and was only rendered comprehensible through doubts about her mental stability.

The competition for the limited number of women in the colony sometimes precipitated convict domestic violence. In typically orientalist fashion, these were commonly characterised by colonial officials as crimes on account of 'sexual jealousy': the actions of the 'hot-blooded native'. Domestic violence, rather than being simply a 'crime of passion', resulted from the imbalanced sex ratios in the colony. Of the 15,000 Indian immigrants who arrived in Mauritius between 1834 and 1839, for example, between 1-2% were female. By 1845, this figure had risen slightly, to just 6%. Not until the 1850s were women 40-50% of the total number of indentured labourers received.²⁵ Convict violence against women may also have been linked to the defence of *izzat* (honour). The possibility that a woman did not

²² MA Z2A106. Letter from J. Finnis to G.F. Dick, 6th July 1838.

²³ MA Z2A122. Letter from G.F. Dick to J. Finnis, 4th May 1837 and Z2A132. Letter from J. Finnis to G.A. Barry, 25th July 1840.

²⁴ Norma Myer, *Reconstructing the Black Past: Blacks in Britain 1780-1830* (London, Frank Cass: 1990), chapter 7.

²⁵ Carter, *Servants, Sirdars & Settlers*, pp.89 & 91-2. On the imbalanced sex ratio in Fiji, see Brij V. Lal, 'Labouring Men and Nothing More: Some Problems of Indian Indenture in Fiji', in Kay Saunders (ed.), *Indentured Labour in the British Empire, 1834-1920* (London, Croom Helm: 1984), p.148.

show total *patrivrata* (devotion) to her husband could lead to *sharam* (shame) before the whole community. In this context, a woman who even spoke to another man besides her husband may have been liable to a beating.²⁶ Mauritian female slaves, apprentices and free blacks may not have felt such a restraint in their personal relationships. A culture-clash could, therefore, occur when they became intimate with Indians.

In 1827, Rumuth Kan (*alias* Cassal) was found guilty of arson on the night of April 10th at the establishment of Sr Faduille in Savanne. Twelve slaves' huts were burnt down. Cassal had a former concubine, a slave called Melanie, who belonged to the establishment. She had left him to live with another slave, Jean Baptiste, over a year before. Cassal tried several times to try and persuade Melanie to return to him, sometimes using violence. On one occasion he had knifed her in the neck, beaten her with a stick and attempted to strangle her. He had also threatened to burn down her hut about a month before the fire. Although Melanie did not see Cassal on the night of the fire, she believed that he had started it. Cassal admitted that he had fought over Melanie, but denied setting fire to her hut. He claimed that he was 'very attached' to her because they had a child. However, the evidence against him was very strong. The threats he had made against Melanie during the preceding months were witnessed by several people and he was arrested on the night of the fire while hiding in a nearby hut.²⁷

This epitomises the type of case in which colonial officials were quick to ascribe violent assaults to 'sexual jealousy'. However, there was often no evidence for what were little more than cultural stereotypes. In 1843, for example, the convict Limbah

²⁶ See David G. Mandelbaum, *Women's Seclusion and Men's Honor; Sex Roles in North India, Bangladesh, and Pakistan* (Tuscon, University of Arizona Press: 1988).

²⁷ MA JB180. Trial of Rumuth alias Cassal. Police report, 14-15th April 1827; evidence of the Court of First Instance, 7th & 23rd August, 27th June & 29th September 1827; and, verdict of the Court of Assizes, 29th September 1827.

Poonjah was sentenced to two years' forced labour for the attempted murder by stabbing of another convict, Nathoo Dunjee.²⁸ The circumstances were never fully clarified. On that night, Nathoo had been asleep in his hut with his concubine Fanny when Limbah came in and attacked him with a knife, for no apparent reason. The court immediately assumed that the attack resulted from Fanny's infidelity with Limbah. However, this was never proved, with Nathoo stating that he had never doubted his wife's fidelity and that he had never argued with Limbah. Limbah testified that he had been drunk on that night and could not remember what had happened.²⁹ Alcohol seems a more likely explanation than testosterone here.

On August 22nd 1845, John Finniss, the Chief of Police, wrote of 'a most horrible murder'. A young child named Bidacy had been found brutally strangled. Suspicion immediately fell upon the Bombay convict Kittoo Ramjee.³⁰ He had once cohabited with the mother of the child, Sidonie, a creole seamstress living in the Camp Malabar. Bidacy was Sidonie's child by an Indian named Baziratti with whom she had cohabited before she met Ramjee. She then lived with Ramjee for nine or ten months. After this, she left him to go and live with another Indian named Ramdiane, who worked at the Port Louis bazaar. Finding that Sidonie had a new lover, Ramjee threatened both of them. It was said that he killed the child as a result of circumstances which 'excited his jealousy'.³¹

Ramjee was accused of murder and tried by the Court of Assizes. Giving evidence at the trial, Sidonie spoke of his threats and alleged that he had given her a cake laced with marijuana (gandia):

²⁸ MA JA77. Verdict of the Court of Assizes, 29th June 1843.

²⁹ MA JB377. Trial of Limbah Poonjah. Police Report, 14-16th March 1843 and evidence of the Court of First Instance, 17-18th March 1843.

³⁰ MA JB347. Trial of Kittoo Ramjee. Letter from W.A. Rawstone to J. Finniss, 12th September 1845.

³¹ MA JB347. Trial of Kittoo Ramjee. Statement of the Procureur Général, Court of Assizes, 17th March 1846.

He used to follow me with stones in his hands - He did so a short while before the death of my child - one day when I was with Ramdiane, the accused said to him "If you are so head-strong as to live with Sidonie I shall assault her (Sidonie) at every moment" - The evening before my child's death, I was in my hut - The accused came there, sat down on my bed, and gave me a cake - I broke it and gave a part of it to Bidacy. I ate part of it - I began to laugh and cry - He (the accused) asked me what was the matter with me, I said "I did not know", He replied "there is Gandia in the cake" - my child also began to be excited and laughed - He came again and had a dispute with Ramdiane, and threatened to open his belly - Ramdiane went away, and the accused said to me that he had menaced Ramdiane, because he (Ramdiane) came to my hut, next day I saw the accused in the street - I had given my child to Caderbauosse an Indian, to be taken care of - I left my child with him - I went out and met the accused at my door - He took my child from Caderbauosse I said "leave my child alone" - He answered "I shall take it to cut its throat" - and he made a gesture, by passing his finger across the child's neck - a woman called Alcide was there - He took away the child - I followed him, I lost sight of him - He went off quickly - I never saw my child again alive -

At the same time, there are hints that Kittoo Ramjee had previously given Sidonie money. He told Ramdiane that she owed him ten markees. Ramdiane continued:

After I lived with Sidonie the accused sought quarrel with me this was some time before the child's death, perhaps 15 days - He was always quarrelling with Sidonie, and carried stones in his hands - He said she owed him 10 markees (seven pence half penny) and demanded payment - He then said to me, that he was not content that I lived with her - "If you do so" he said, "I shall seize you and given you a 'coup de couteau' [knifing]" - I saw him bring the child some cakes - the child became ill, I complained of this to the piqueur (one of the men in camp of the convicts) who had the accused arrested - I did not see what was done with him - but that day about 4 o'clock I saw him at liberty - After the disappearance of the child, I and Sidonie searched for the accused - as I went along the street, I received a blow on the head with a knife, and a blow with a stick on the loins, I looked about, and saw the accused, I could distinguish a knife in his hand - He had not then the boy with him.³²

³² PRO CO167.286. Letter from James Wilson, Chief Judge, to Governor William Maynard Gomm, 2nd August 1846, enclosing his Trial notes in the case of Kutto Ramjee, a native of Bombay, for the Murder of an Indian Child named Bidacy, before an Assize held at Port Louis, Mauritius, on the 28th July 1846.

On August 20th, Sidonie and Ramdiane went to see an overseer (*'piqueur'*) at the convict camp in Grand River in order to complain about Ramjee's menacing behaviour. As a result, he was put in solitary confinement. However, he managed to cut off his irons and escape. He then went to Siddonie's hut and took the child, with the words *'moi alle coupé son li cou'*.³³ The child's body was later found near Plaine Lapotaire. An autopsy revealed that he had died from strangulation and wounds to the chest and stomach.³⁴

Kittoo Ramjee, who said that he also went under the name Moulthane, initially denied the charge of having murdered the child.³⁵ However, upon the advice of his advocate, Maître Caunter, he eventually pleaded guilty to a charge of manslaughter. The court had no doubt of Kittoo Ramjee's guilt and the only issue at stake was the charge of premeditation, which by law raised the offence from manslaughter to murder. The latter of course was a capital offence. Kittoo Ramjee was found guilty of murder and was sentenced to death by the Court of Assizes on 28th July 1846.³⁶ However, his sentence was later commuted in what constituted some rather curious circumstances.

At about the same time as Ramjee's trial, a free creole named Dabadie was found guilty of premeditated murder. Unlike Ramjee, however, Dabadie was not sentenced to death, in what were described as 'misplaced motives of sympathy with him on the part of the assessors'.³⁷ Governor William Maynard Gomm wrote of the 'astonishment' in the court to the verdict, with observers believing that 'had the

³³ MA JB347. Trial of Kittoo Ramjee. Evidence of the Court of First Instance, 11th September 1845 and statement of the Procureur Général, Court of Assizes, 17th March 1846. (*'moi alle coupé son li cou'* [in creole: 'I am going to cut his throat']).

³⁴ MA JB347. Trial of Kittoo Ramjee. Autopsy report of Dr H. Rogers, 21st August 1845.

³⁵ MA JB347. Trial of Kittoo Ramjee. Evidence of the Court of First Instance, 11th September 1845.

³⁶ PRO CO167.272. Letter from W.M. Gomm to J. Wilson, 3rd August 1846.

³⁷ PRO CO168.30. Despatch from Earl Grey to W.M. Gomm, 18th December 1846. Assessors were equivalent to a jury.

offender been an Indian or an apprentice, the award would have gone otherwise'.³⁸ He stated that although Kittoo Ramjee's crime was 'barbaric' and had been 'clearly proven', but:

there is a convicted Criminal [Dabadie] at this hour existing in the public Gaol of Port Louis, no Indian and no Barbarian, the measure of whose Guilt, inferring from all the Data that I have had access to, infinitely exceeds that of the wretched criminal now sentenced to undergo the extreme penalty of the Law [Kittoo Ramjee]. I cannot give any directions for carrying this sentence into effect, without peril of outraging with my own, your feelings, and those of the whole Colony.³⁹

At the recommendation of the Chief Judge, both Kittoo Ramjee and Dabadie had their sentences commuted to twenty years' hard labour in 1847.⁴⁰ It was understood that at the expiration of this sentence, Ramjee would remain under his former sentence of transportation.⁴¹ He remained in prison to complete this sentence, even after the last of the convicts were liberated in 1853.⁴²

As for the handful of women transported to Mauritius, it was inevitable that they would have sexual relations with other convicts. Mussomaut Bhurovee, for example, who arrived in the colony on board the *Susan* in 1816 had two children by 1818, Lockey Naurrayan and Duhive Narraun. Francis Rossi stated that she had lived with 'some of' the convicts.⁴³ By 1824, she had given birth to a third child. In 1829, the sole female convict from Ceylon also had two children.⁴⁴ The Bombay

³⁸ PRO CO167.272. Despatch from W.M. Gomm to Lord Gladstone, 17th September 1846.

³⁹ PRO CO167.272. Letter from W.M. Gomm to J. Wilson, 3rd August 1846.

⁴⁰ PRO CO167.272. Letter from J. Wilson to W.M. Gomm, 7th May 1847.

⁴¹ PRO CO167.272. Letter from Prosper d'Epinay to W.M. Gomm, 25th May 1847.

⁴² MA RA1198. Governor's Minute on the Liberation of the Indian Convicts, 15th February 1853.

⁴³ MA RA180. Letter from F. Rossi to G.F. Dick, 8th June 1821.

⁴⁴ MA RA262. Letter from F. Rossi to G.F. Dick, 26th June 1824 and MA RA411. Letter from H. Bates to G.F. Dick, 7th May 1829.

convict Ragoo had a child, 'a little boy', by 1852.⁴⁵ Colonial officials made clear judgements about the women's character, viewing them as promiscuous and of poor moral virtue. Evidence of the very existence of female sexuality invariably led to a less than favourable characterisation. Upon the expiration of their sentences in 1848, for example, two convict women were said to be 'bad characters'.⁴⁶ There is no evidence of any previous misconduct on their part.

In contrast, the male convicts' ability to establish families often won them support from the authorities. The convict Gearnoo Dannoo was pardoned in 1849 after requesting permission to find paid employment as he was the father of five children.⁴⁷ Mullala Solimon also had his petition of liberation approved as it was said that he had a wife and five young children whom he 'seems anxious to do his best to provide for'.⁴⁸ Hurry Bappoo, a life convict from Bombay, petitioned the Protector of Immigrants in 1858. He stated that he had a five year old daughter, Luckchemee, whom he wished to send back to his family in Bombay with his wife 'where she would be better off'. He could not, however, afford the £2-10 cost of the passage. He said that he had cohabited with the Indian woman Succool who had arrived on the island in 1843 as an indentured labourer and now wished to return to India. The Protector of Immigrants subsequently agreed to grant the request.⁴⁹ This was also true for the convict Bhyrowsing. It appears that at some stage his mother had joined him in Mauritius, although it is unclear whether she came as an indentured labourer. By 1852 it was agreed that he be placed on the rations list as

⁴⁵ MA RA1164. Report of a Medical Committee convened this day by order of Alex. Thom. Esq. Chief of the Medical Department to report upon the state of the undermentioned Emancipated Convicts, 23rd November 1852.

⁴⁶ MA RA973. Letter from J.A. Lloyd to G.F. Dick, 5th April 1848. Such characterisations were also common amongst women in the Australian colonies. See Oxley, *Convict Maids*, chapter 8; Damousi, *Depraved and Disorderly*, part I; and, Reid, 'Work, Sexuality and Resistance', chapter 3.

⁴⁷ MA RA1043. Petition of Gearnoo Dannoo, 22nd October 1849.

⁴⁸ MA RA1118. Petition of Mullala Solimon, 29th January 1851.

⁴⁹ MA PA6. Petition of Hurry Bappoo, 15th January 1858 and report of the Protector of Immigrants, 14th January 1858. Carter also mentions this in *Voices from Indenture*, pp.6 & 12.

she had 'again become a child to be nursed'.⁵⁰ It is clear that the authorities viewed the convicts' ability to support families as a stabilising social force.

Religion and social interaction

In 1823, convict overseers were instructed not to interfere with the 'religious habits or prejudices' of the convicts, in what was clearly an effort to promote social stability.⁵¹ At the same time, the lack of surveillance over the convicts gave them the opportunity to participate in religious activities together with the general population, which was against colonial directives. The only nineteenth-century traveller to mention convict religion was Charles Darwin. In typically Eurocentric fashion, he wrote of the convicts' 'faithful observance of their strange religious enactments'.⁵² In homogenising the religious practice of men with diverse backgrounds, it is obscured as to what kind of 'religious enactments' these were. Equally, Darwin's misunderstanding reduced them to the realms of the 'strange'.

FIGURE V.I
CONVICTS' RELIGIOUS STATUS

No. of convicts	Hindu	Muslim	Adivasi
Bengal	466	286	99
Bombay	72	27	36
Total	538	313	135

Source: data available for 986 convicts in the ship indents (IOL.P.Ben/BomC&J series).

The convicts in fact came from two main 'religious' categories. The majority were described as Hindus (55%) and a substantial minority as Muslims (32%). Another small minority (14%) were of *adivasi* origin.⁵³ Given that the convicts came from wide tracts of North, Northeast and Western India, there would also have been

⁵⁰ MA RA1164. Letter from W. Carey to W.H. Rawstorne, 19th November 1852.

⁵¹ See chapter three.

⁵² Barlow (ed.), *Charles Darwin's Diary*, p.402.

⁵³ See figure V.i. (Percentage figures rounded up to the nearest whole number).

significant regional differences between the groups. At the same time, caste status may have influenced religious practices. Despite these qualifications, Darwin's observation that religious activity of some kind was taking place is important: hard evidence, however, is extremely scarce.

When a convict died, the body was enveloped in new calico and either 'burned or interred agreeable to their caste'.⁵⁴ Effectively, this meant that the convicts themselves decided how to dispose of the dead. Most of the Hindu convicts who committed suicide were cremated, including Fugur Chund, Sulka, Topar Jat and Jetah Ghazee, for example. Muslims, such as Chand Con, were buried. In April 1816, Francis Rossi received a letter from Monsieur Denis Lacoudray complaining about the cremation of dead convicts on his land.⁵⁵ By 1823, a permanent site for this purpose had still not been found: Staveley's circular suggested that a specific place for the cremation or burial of dead convicts be allotted.⁵⁶

Almost ten years later, in 1832, Gassy Sobdar, an important Muslim religious leader, complained about the burial of Muslim convicts. He stated that Islam did not permit Muslims to be buried with those of other religions and that a religious leader must accompany the dead to the burial ground and say prayers before the body was buried. He said that these practices had been violated and that 'a convict of another religion to their own was buried in a place specially reserved for the burial of Muslims'. Moreover, according to Gassy Sobdar, a number of Muslim convicts had recently been buried without a religious service. He went on:

⁵⁴ MA RA544. Letter from A. Montgomery to W. Staveley, 30th August 1835.

⁵⁵ MA Z2A8. Letter from F. Rossi to E.A. Draper, 11th April 1816.

⁵⁶ See chapter three.

[I] take the liberty of stating that the religion and those that believe in it pose no threat to the interests of the government, and to suggest that an order be given to the guardian of the cemetery that no body which is not accompanied by a Muslim priest be buried there, and to bury the bodies of those convicts who are not Muslims outside the place designated for those who are.⁵⁷

Gassy Sobdar's knowledge about the violation of Islamic practices in burying convicts is suggestive of contact between convicts and the wider Muslim community in Mauritius. Indeed, he sometimes served as an interpreter in trials involving convicts.⁵⁸ Moreover, although there is no surviving evidence of an official enquiry into his complaints, William Staveley directed that the convicts be consulted. Perhaps he realised that Sobdar was mistaken or exaggerating in his claims that his religion posed 'no threat' to government. Given enough provocation, a defence of it certainly could.

In another case, the religious paraphernalia of the Muslim Nallaqui was seized and he was accused of forging coins. In an illustration of the hierarchy of convict command, three Muslim convicts reported him to their commander, Sooditch. He subsequently complained to overseer Yates. After a search was made of Nallaqui's hut, various objects were found. These included ten books full of 'moorish' writing, four small lanterns, two pieces of iron, a sheet of copper and a piece of strong glue. Several crucibles with pieces of lead with characters marked on them were also found, together with a piece of copper marked with 'a devil or monster', some unknown powder and 'several large iron pots with quantities of rubbish that [could not be] describe[d]'.⁵⁹

⁵⁷ MA Z2A70. Letter from Gassy Sobdar to J. Finnis, 3rd September 1832.

⁵⁸ See, for example, the trial of Nallaqui, which is discussed below.

Nallaqui was brought before the Court of Assizes where he proclaimed his innocence. He said that some of the other convicts resented the fact that William Clover, the chief overseer, did not make him work on the roads with the other convicts. Instead, he was directed to practice his religion for the benefit of them all. He stated that on the night he was arrested, he had been fasting. He claimed to have no knowledge of forgery at all.⁵⁹ Three other convicts who were in Nallaqui's hut at the time of his arrest were also questioned. Mahomed Bakoukire, who was discovered hidden beneath his bed, was also found in possession of some papers, books, iron lamps, some glue and a piece of copper engraved with a figure. He stated that these materials were used for 'prayers and ceremonies', adding that the lamps were lit in the evenings. The glue, he said, was used to stick his papers in preparation for the Yamsé (*muhartram*) festival. The second convict, Somphre, stated that it was true that the effects found in possession of Nallaqui and Mahomed Bakoukire were used for religious ceremonies, an opinion which the third convict, Mahomatane, who lived with Nallaqui, shared. Nallaqui was placed in custody and later petitioned John Finniss from his prison cell:

Sir I take the opportunity of writing these few lines to you hoping it will meet your approbation. I should like to know what I am kept in prison for the crime that I am accused of. I am inocent - they accused me rongfully (*sic*) - I never made any Base Money in my Life. I burn four lights at my devotion so they think that I make Bad Money. I am a Preacher in my country language and when I came to this Country I had some money with me - they think I made it. I am well beliked by a great number of gentelmen (*sic*) in this town and for that reason they dont (*sic*) like me is a made up plan for them to get me in prison. There is no proof against me. I am a rich man in my country I did not come here to make money. I hope you will take it into consideration and release me out of prison. You can enquire of Mr Clover about my carracter (*sic*) so no more at present.⁶⁰

⁵⁹ MA JB270. Trial of Nallaqui. Police report, 17th January 1833; evidence of the Court of First Instance, 11th July 1834; and, letter from overseer S. Thatcher to J.A. Lloyd, 13th September 1833.

⁶⁰ MA JB270. Trial of Nallaqui. Petition of Mahamet Baugh Mookeu Mawlackey, 16th September 1833.

Nallaqui was eventually acquitted of all the charges. The Procureur Général stated that there was insufficient evidence to convict him. Indeed, not a single forged coin had been found.⁶¹ Given the often misconstrued basis of colonial knowledge, it is not unlikely that Nallaqui was telling the truth. At the same time, there was clearly a degree of religious continuity amongst the Muslim convicts in Mauritius. This was encouraged by colonial officials as a stabilising force. Nallaqui himself was given favoured status within the convict camp.

There is evidence that other convicts attended the annual Yamsé festival. Although the origins of the festival in Mauritius can be located in the eighteenth-century Muslim community in Port Louis, it quickly became an inter-religious event, with other Indian communities taking part.⁶² The convicts became involved, with the opportunity to participate in festivities presenting the chance to escape from the everyday drudgery of convict working life. In 1838, a police circular stated that 'serious disorders' had taken place at the Yamsé festival through 'the improper interference of some of the convicts'.⁶³ As a result, the following year the Surveyor General refused to authorise convict processions in the districts and celebrations were confined to the convict camps.⁶⁴

It appears that his directive was largely ignored, however. In 1841 there were disturbances between the convicts and other Indians at the Yamsé during which a convict was injured. In 1843, more fighting took place.⁶⁵ The fact that convicts were involved in the Yamsé is significant. Firstly, it shows that convicts participated in an inter-religious event. Secondly, they were able to evade surveillance in order

⁶¹ MA JB270. Trial of Nallaqui. Statement of the Procureur Général, 6th September 1834.

⁶² Carter, *Servants, Sirdars & Settlers*, pp.261-2.

⁶³ MA HA105. Police Circular no.264, 19th February 1839.

⁶⁴ MA HA105. Letter from J. Finniss to Plaines Wilhems' police, 2nd March 1839.

⁶⁵ MA JB332. Trial of Massoobene Ramjee, Sackoo Puddhoo & Aribapou. Statement of the Procureur Général, 16th September 1843 and medical report of Dr R. Allan, Acting Police Surgeon, 12th February 1843 and MA JA77. Verdict of the Court of Assizes, 9th October 1843.

to do so: William Clover himself acknowledged that convicts had left their Grand River camp without permission to go to the Yamsé in Port Louis in 1843.⁶⁶ Thirdly, convicts were clearly interacting with the wider population, despite the rhetoric of social segregation.

Convict leisure

Staveley's circular of 1823 ordered the convicts to finish work on Saturday at midday and have Sundays as a 'day of rest'. Although it was also stated that the convicts should use this time to wash their clothes, they evidently used it to their advantage in other ways. The same was true of free time after work in the evenings. Like religion, evidence of the existence of leisure activities only really emerges when it caused conflict of some kind. When evidence of leisure does appear, however, it suggests the existence of a degree of socio-cultural continuity amongst the convicts. Leisure was not necessarily generated as a response to the convict system, but was simply adapted to new circumstances. Equally, it underlines the general lack of control over the convicts: their leisure time was often joined with that of the slave, apprentice or general Indian population. At the same time, leisure opportunities sometimes enabled convicts to make money which, as has been shown, came in direct opposition to the formal imperatives of official rhetoric.

Upon the introduction of the convicts into Mauritius, it was said:

There is one vice, which in European Convicts, is the root of all others, and from which the Indians are exempt - the incurable rage for spirituous liquors, which has been almost the sole cause of rebellion, and disturbance at Botany Bay.⁶⁷

⁶⁶ MA JB332. Trial of Massoobene Ramjee, Sackoo Puddhoo & Aribapou. Statement of the Procureur Général, 16th September 1843.

⁶⁷ PRO CO167.41. Minute on the Employment of Convicts, 18th July 1818.

The assumption that 'the Indians' did not drink was a clear misunderstanding about the place of alcohol in Indian cultural life. Alcohol of course was an important feature of the *adivasi* diet. It was fermented from the mahua flowers in central India, for example, and consumed as beer or distilled into spirits. Indeed, later commentators like Risley recognised the importance of alcohol to particular castes and tribes.⁶⁸ Given that the convicts were spread throughout the country districts, they were presented with opportunities to continue this practice. At the same time, convicts may have drunk to escape the monotony of transportation. This was certainly the response of a number of slaves on the island, with alcohol relatively freely available on the sugar plantations.⁶⁹

In 1827, a convict was found dead on the main road in Quartier Militaire. It was said that he had been 'in the habit of drinking strong liquor'. The assumption was that he was late in returning to the camp after work and had perished in unusually cold weather.⁷⁰ In 1830, another convict was found in the street carrying a letter addressed to William Staveley and armed with a bayonet. He was extremely drunk.⁷¹ There is no surviving record of the contents of the letter. It may have been a complaint about the convict system: perhaps he had stolen the bayonet from his overseer and intended to stab Staveley. Unfortunately, in the absence of other evidence, it is impossible to ascribe a motive to this convict's actions. In 1831, the Chinese convict, Anoré, belonging to the Grand River working party, was found so drunk that he could hardly hold himself up.⁷² Later in 1833, the convict Cochaly was arrested at Poste de la Butte for disturbing the public order whilst intoxicated.⁷³

⁶⁸ Risley, *The People of India*, p.2ff.

⁶⁹ Barker, *Slavery and Antislavery*, p.86.

⁷⁰ MA Z2A40. Letter from D. Beaugendrel, Civil Commissioner of Police Moka, to J. Finniss, 17th September 1827.

⁷¹ MA HA107. Police reports, 27th-31st December 1830.

⁷² MA RA433. Police reports, 3rd-4th February 1831.

⁷³ MA RA511. Police reports, 12-14th January 1833.

Convicts also bought alcohol from the general population. These economic transactions sometimes led to conflict. In 1830, a fire broke out at the Black River convict camp. The convicts' huts were completely destroyed. The overseer, Simon Thatcher, suspected that the fire had been started by maroon slaves although he did not state for what reason. The camp was subsequently moved to a new site in Bamboo.⁷⁴ In 1831, the same camp was the target of another arson attack. Thatcher wrote:

There is a family of coloured people living close by, that have been in the habit of selling liquor to the convicts - on Saturday there was a dispute between them and the Convicts respecting a marquee. On the night of the fire, between seven and eight o'clock, the Overseer had not left the Sentry two minutes after giving him particular instruction to be on the alert (afraid in consequence of the dispute that something might occur) when he called out fire, at the same time he, the Sentry, saw a man run from the rear of the huts followed by a dog, he attempted to overtake him; but could not: in a few minutes the large hut that the whole of the party live in was destroyed, together with every thing they possessed, our Rations up to the 31st Instant, Blankets, Linen &c., in short everything they had.⁷⁵

The arson attack was, he stated, the result of a dispute over money which the convicts owed. Given the fact that it was the second time the convict camp had been set on fire, it is possible that similar disputes between the convicts and their suppliers had been going on for some time. Socio-economic interaction inevitably sometimes led to conflict.

As well as consuming it, convicts also distilled liquor, either for personal consumption or sale. Indeed, this may have been quite lucrative. Several convicts were reported to the police for breaking the guildive laws, which prohibited this.⁷⁶

⁷⁴ MA RA429. Letter from S. Thatcher to W. Staveley, 7th December 1830.

⁷⁵ MA RA429. Letter from S. Thatcher to W. Staveley, 11th October 1831.

⁷⁶ 'Guildive' was liquor made from sugar cane. The term is said to have originated in the West Indies, where the word *kill-devil* indicated the strength of this potent brew.

In one case, convict overseers were even involved. In 1819, the overseers on the Pamplémousses Road were removed from their duties after they were discovered selling illegally distilled liquor with some of the convicts there.⁷⁷ In 1830 a complaint was again lodged against the convicts working there for selling alcohol.⁷⁸ In 1835, the convict Baghan was arrested at Port Souillac, carrying a bottle of arrack which he claimed to have bought for twenty sous. He did not have a receipt so he was sent back to his camp at Bain des Negresses.⁷⁹ Later that year the convict Warris was arrested for selling illegally distilled arrack.⁸⁰ Another convict was also arrested in possession of illegal liquor.⁸¹

Other evidence indicates that convicts took opium and marijuana, a common practice in India. After one convict committed suicide in 1833, opium paste was found wrapped in his *dhoti*. His commander, Dolot Natigay, stated that he had often seen Shikdar Sirdar eating the drug.⁸² Another convict, Seetal Brahmin, a cook in the Civil Hospital, was said to be 'constantly in such a state of stupor from the effects of opium and gandia' that he was unable to perform his duties.⁸³ In 1840, the convict Baker was tried before the Court of Assizes for the theft of a piece of opium from the pharmacist M. Baissac. An Indian employed by Baissac, Pragassen, said that the day before the theft he had heard Baker asking another employee, Alphonse, if he had any opium. Baker returned the next day and he saw Alphonse give Baker a piece of opium. Pragassen then arrested the men and took them to the police.⁸⁴

⁷⁷ MA Z2A59. Letter from J. Finnis to G.F. Dick, 5th February 1840.

⁷⁸ MA Z2A59. Letter from W. Staveley to J. Finnis, 5th February 1830.

⁷⁹ MA Z2A83. Police report, 21st February 1835.

⁸⁰ MA Z2A76. Police report, 24-25th March 1835.

⁸¹ MA Z2A86. Letter from A. Hugnin, Civil Commissioner Plaines Wilhems, to J. Finnis, 8th August 1835.

⁸² MA RA507. Police report, 28th November 1833.

⁸³ MA RA712. Letter from A. Montgomery to G.F. Dick, 11th October 1842.

⁸⁴ MA JB313. Trial of Baker & Alphonse. Evidence of the Court of Assizes, 23rd September 1840.

Although there were never any criminal sanctions against the use of opium, in 1840 marijuana was made illegal. Its excessive use was said to produce 'very pernicious effects among the lower orders in the Colony and particularly among the Indian population'.⁸⁵ The 1840 Act was primarily related to concerns about what was felt to be the increasing use of intoxicating substances in robberies carried out by the Indian population, rather than any sanction against the use of the drug *per se*. This transformed marijuana use from cultural practice to criminalised drug. Convict overseers were subsequently ordered to destroy any gandia plants found in the convict camps and to prevent its future cultivation.⁸⁶

Despite this, in practice convicts arrested in possession of marijuana were only found guilty of any offence if it could be proved that they intended to sell it. Marijuana use was clearly a long-established cultural practice, but at the same time its sale provided convicts with the opportunity to make some money. After 1840, there are several instances of this. Gita was fined £2 for selling marijuana in 1841.⁸⁷ Sucka was arrested for possessing the massive quantity of 12lbs of marijuana in 1843, but was acquitted as it could not be proved that he had any intention of selling it.⁸⁸ This was true of the remaining convicts arrested for possession. In 1848, Sooteramsing was found 'in possession of gandia'.⁸⁹ A 'handful of gandia' and a box of opium was found on Mirassa later that year.⁹⁰ Appa was arrested for possessing marijuana in February 1849. None of these convicts were charged with any offence. In contrast, Oudjah was arrested for selling marijuana to the Indians Rameto and

⁸⁵ PRO CO167.221. Despatch from Governor Colonel Power to Lord John Russell, 30th March 1840, enclosing Ordinance no.2 1840 prohibiting the importation, cultivation and sale of the gandia plant.

⁸⁶ MA Z2A127. Letter from J.A. Lloyd to J. Finnis, 25th April 1840.

⁸⁷ MA JA71. Police Correctionelle, 11th June 1841.

⁸⁸ MA JA79. Police Correctionelle, 7th July 1843.

⁸⁹ MA Z2A222. Circular to the District Police, 16th April 1848.

⁹⁰ MA Z2A218. Letter from Civil Commissioner of Grand Port to C. Anderson, Chief of Police, 6th May 1848.

Etwany later in November 1849⁹¹ and Maneodkhan and Ganpadoss were arrested for selling one pound of gandia in the district of Moka in 1851.⁹² All three of these convicts were eventually brought before the Police Correctionelle.

Gambling was another form of leisure. It is likely that many convicts had gambled in India, making it an activity expressive of cultural continuity. Some convicts, particularly those who 'ran the book', may also have used it as an opportunity to augment their personal property. In 1842, for example, the Surveyor General wrote of the 'disgraceful scenes' which took place in a house in the Salines:

On Sundays at this place the whole day and night are devoted to gambling where, besides convicts, various Malabars and free Indians are invited, and His Honor would hardly credit the sums of money and silver and gold Mohurs, which are there won and lost [in] ... this nest of gamblers.⁹³

Sunday was the convicts' day of rest and they clearly used it to their full advantage, together with the non-convict population. In another illustration of the way in which convicts interacted with slaves during the early period of transportation, John Herman Maas, the convict who was arrested for forgery, initially claimed that he had won a forged rupee found on him by the police, in a game of dice with some slaves at Grand River.⁹⁴ Similarly, six other convicts were later arrested for playing dice both amongst themselves and with other slaves.⁹⁵ Hurdyal, a convict deserter, was described as 'a known bad subject and very idle - a gambler'.⁹⁶ Another convict, Hary, was sent to prison for one year after being found guilty of robbery. It was said

⁹¹ MA Z2A202 Letters from C. Anderson to O. Desmarais, 2nd February 1849, 12th November 1849 & 27th February 1850.

⁹² MA Z2A235. Letter from A. Wilson, Acting Inspector of Police Moka, to C. Anderson, 16th October 1851.

⁹³ MA RA708. Letter from J.A. Lloyd to G.A. Barry, 23rd February 1842.

⁹⁴ MA JB176. Trial of J.H. Maas. Interrogation of John Herman Maas, Court of First Instance, 17th August 1826.

⁹⁵ MA RA330/504/506. Police reports, 26th-27th June 1826, 24th-26th August 1833, 13th-16th October 1833 & 13th-14th November 1833.

⁹⁶ MA Z2A113. Letter from overseer A. Van Hiltten to J.A. Lloyd, 3rd December 1838.

that he had stolen three piastres from the Indian Fagul Khan, 'on the pretext of having won this sum in a game'.⁹⁷

In another illustration of convict leisure activities, three convicts, Nadarkan, Benga and Ruffie, were tried before the Police Correctionnelle in 1834, accused of assaulting a police officer and guard. One evening the officer Chénard and guard, Pierre Catherine, were on duty in the district of Savanne. Hearing a great deal of noise coming from the convict camp at Rivière des Anguilles, they went and told the convicts to silence their *tambour* drums and stop dancing. The convicts refused and attacked the officers, who arrested them. As it was impossible to prove which convicts had actually struck the blows, however, Nadarkan, Benga and Ruffie were acquitted.⁹⁸

'Pollution' and resistance

Although the significance of caste was often misunderstood by colonial officials, it would be a mistake to assume that it was not important to some convicts in certain circumstances.⁹⁹ Attempts to retain rules of commensuality in the sharing of food sometimes led to direct action by the convicts. On the other hand, it is clear that the potential always existed for rules relating to the sharing of food to be deliberately harnessed by individuals attempting to confront colonial beliefs and subvert the basis of their knowledge about Indian culture. In this way, convicts were able to use western prejudices and ignorance to their advantage. In many cases, however, it is difficult to differentiate between what constituted an implicit stand against the convict system and what was in fact an assault upon it.

⁹⁷ MA JA71. Police Correctionnelle, 19th February 1841.

⁹⁸ MA JA55. Police Correctionnelle, 12th December 1834.

⁹⁹ See Guha, 'The Prose of Counter-Insurgency', pp.38-9.

There are several examples of this blurred line. In one incident, the convict Kallooa led a group of convicts in beating their overseer after he interrupted their evening meal. In his report to the Colonial Secretary, Francis Rossi wrote:

the whole of the disturbance or rather insurrection on the evening of the 5th proceeded from the general bad conduct of the overseer and particularly his ill treatment of the convicts received on that evening. Overseer Nicholls had as he states himself been absent most of the day; the Commander kept [the convicts] at work long after the usual hour, and Nicholls having returned late to the camp and being in a very drunken state insisted on their falling in altho' at that moment they were at their meals, which had he been sober he would not have exacted, knowing that these men's religious tenets will not permit them to finish their meal when once disturbed whilst eating.

Rossi clearly blamed Nicholls for the insurrection. He was accused of 'glaring misconduct' as he was 'seldom seen with the convicts whilst they were at work, and that he had been in the habit of late of getting drunk'. In addition, the convicts had been kept at work longer than usual. However, it was Nicholls' interruption of the convicts' meal which, in transgressing 'religious tenets', was perceived as the final straw. Rules of commensuality may well have made this offensive, but Rossi's interpretation is certainly open to question. The convicts' attack on their overseer was certainly bound up with their being kept late at work and then called to fall in during their free time. Given his apparent sympathy with the convicts, Rossi's reaction might seem surprising:

I [wanted to] make an example of any Convict raising his hand to an Overseer, therefore I insisted to know who were the Convicts who had joined Kallooa in the commission of this daring act, and finding that no persuasion of mine could be of any avail in discovering the culprits I ordered the commander present at the attack to receive fifty lashes and every third convict to be punished with 25 lashes, which punishment was immediately inflicted before me.¹⁰⁰

¹⁰⁰ MA RA137. Letter from F. Rossi to G.A. Barry, 14th June 1820.

Cultural empathy clearly had its limits, ending with the convict commander's refusal to inform. He was severely punished, together with every third convict in the working party. With the other convicts forced to watch the floggings, this was a brutal reminder of the strength of colonial power.

In other cases, the convicts' defence of cultural norms was more clear cut. In 1833, for example, two convicts were brought to the police by their overseer, accused of having struck a naval captain who had lit a cigar with the fire on which they were cooking a meal. The convicts told the police that as a result of his action they were not able to eat the food which they had been preparing. However they denied having hit the captain. No charges were brought against them and they were sent back to their working party.¹⁰¹ There was a similar case in 1835. A police guard, J. Chaney, beat a convict in the working party at Pont Colville after:

he asked the convict for fire when cooking, which the convict laid the fire at the door telling him he could not take the fire outside while cooking, it being against his religion, without further provocation he struck the convict three times.

The convict, Bheene Bangal Mamedgee, made a complaint to the police, with his companion at Pont Colville, Ho Ballabas Baxullah, as a witness. Chaney was subsequently dismissed from his post.¹⁰²

In a similar case in 1835, E.B. Patten of the Royal Engineers complained to Lieutenant Cole, his commander, that the Indian convict Lada 'positively refuses to work'.¹⁰³ Lada had been attached to the Royal Engineers after he and another were

¹⁰¹ MA RA511. Police report, 9-10th January 1833.

¹⁰² MA Z2A88. Letter from J.A. Lloyd to J. Finnis, 12th August 1835, enclosing a letter from Simon Goss, Surveyor of Roads, 4th August 1835 and Z2A83. Police report, Savanne, 22nd August 1835.

¹⁰³ MA Z2A80. Letter from E.B. Patten, Royal Engineers, to Lieutenant Cole, Commander of Royal Engineers, 27th March 1835.

sentenced to twenty years' hard labour by the Court of Assizes in April 1834.¹⁰⁴ Both were found guilty and imprisoned until March of the following year when, together with six other prisoners, they were attached to the party of Royal Engineers, working on the citadel at Petite Montagne. A week later Patten wrote that Lada was complaining that 'his food is brought to him in such a way that he is unable to eat it'. Lieutenant Cole subsequently requested that, as his food was prepared 'in such a manner I presume as to interfere with his religious prejudices', he might be given permission 'to prepare his food according to the custom of his cast'. In a clear indication that colonial officials were at least to some extent aware of caste rules relating to 'pollution', this 'indulgence' was subsequently granted.¹⁰⁵

Individual convicts sometimes harnessed colonial beliefs about the significance of caste pollution as a weapon of direct resistance, thus using colonial perceptions to their own advantage. Perhaps the best example of this was the conviction of the Bombay convict Versey Tajea for poisoning and robbery in 1838. On August 1st 1837, Versey Tajea was arrested as a deserter and taken to the post of the police officer Jean Louis Michel. There, he was put in the stocks, and confined under the charge of the guards Jean Louis Sanssouci and Jean Pierre. A little while later, Versey Tajea complained to the brigadier of the post that he was hungry, and was given some rice. He asked to wash and cook the rice himself, because he said that his religion did not permit him to eat food which another person had touched.

The guards suggested that he cook his rice with theirs, as they only had a single cooking pot. Versey Tajea agreed and was released from the stocks. When the rice was cooked, Versey Tajea declared that he was no longer hungry and ate nothing. The two guards, Jean Louis and Jean Pierre, together with Jean Pierre's wife, Céline,

¹⁰⁴ MA JA52. Verdict of the Court of Assizes, 4th April 1834.

¹⁰⁵ MA Z2A79. Letter from E.A. Williams, Acting Procureur Général, to J. Finnis, 21st March 1835.

ate the rice with some vegetables which the convict had prepared at the same time. Shortly after the meal, Jean Louis felt dizzy and fell unconscious, remaining ill for the next three days. Jean Pierre and Céline also felt ill. All three remarked that the rice and vegetables contained something feeling like small stones. That evening, Versey Tajea, who had been put back into the stocks, escaped and disappeared.

A few days later, Versey Tajea went for the second time to a shop owned by Louise Coquerel on the Pamplémousses Road. He asked if she had any chickens or manioc for sale, but there were none. He then asked her if she had already eaten and as he was still standing in front of her door, she thought that he must be hungry and so offered him some manioc and cheese. He accepted it and went into the kitchen. Meanwhile, she asked her apprentice, Laviolette, to prepare some rice, vegetables and *bredes* (green vegetables). Tajea helped her. Louise offered to share her meal with him. He refused, however, again saying that he could not eat that which had been prepared by a stranger's hands. A moment later, Louise fell very ill, and lost consciousness until the next morning. Laviolette, her apprentice, and her child Volcy felt the same effects. When Louise came round, she realised that she had been robbed of various effects. She stated that she had noticed some small white grains in the food. A sample was kept and analysed by two chemists, Merle and Ravet. They reported that they could not class the grains as any known botanical substance.¹⁰⁶

Versey Tajea was eventually arrested and brought before the Court of Assizes. He was found not guilty of attempted poisoning on the police guards Jean Louis and Jean Pierre,¹⁰⁷ but guilty of poisoning Melle Louise Coquerel, her child Volcy and the apprentice Laviolette. On July 25th 1838 he was sentenced to ten years' transportation and was subsequently sent to New South Wales.¹⁰⁸ At one level it

¹⁰⁶ MA JB291 Trial of Versey Tajea. Evidence of the Court of First Instance, 23rd-25th, 28th & 30th August & 1st September 1837 and statement of the Procureur Général, 26th February 1838.

¹⁰⁷ MA JA62. Verdict of the Court of Assizes, 28th March 1838.

¹⁰⁸ MA JB291. Trial of Versey Tajea. Verdict of the Court of Assizes, 25th July 1838.

seems clear that the enactment of social norms in relation to the strict rules regarding 'pollution' were a focal point for colonial negotiation, for the cultural assertion of individuals confronted with subjectification. Versey Tajea, however, clearly manipulated colonial beliefs relating to 'Indian' customs in the preparation of food in his escape from custody and subsequent robbery.

It is clear that convicts were able to retain a degree of social autonomy despite their transportation over the *kala pani*. Thus they forged sexual relationships with women, established families, participated in the inter-religious Yamsé festival together with the wider community and spent their leisure time with non-convicts. Such social interaction clearly challenged the segregation which disciplinary technology claimed to effect. It is less clear, however, that it challenged colonial practices. Given that there was very little social control over the convicts, a degree of autonomy was, perhaps, inevitable. At the same time, in practice, it fostered social stability. Its existence thus reveals less about convict responses to control than about the wide gap between colonial rhetoric and colonial practice. On the other hand, where certain caste practices did come under attack, convicts were prepared to defend them, leading to resistance of a more direct kind. Here, the potential for convicts to harness colonial perceptions on the importance of cultural norms also existed, as a means to attack the convict system, as the case of Versey Tajea reveals.

CHAPTER SIX

REBELLION AND RESISTANCE: CONVICT RESPONSES TO LABOUR DEMANDS

Studies of 'resistance' in the colonial context have proliferated in recent years as indigenous populations and labour migrants alike have come to be seen as active agents in the formation of colonial societies, rather than passive victims of all-embracing webs of colonial power.¹ Indeed, as the economic, social and cultural constructions of individuals which accompanied particular aspects of colonialism were at least in part concerned with their subjectification, explorations of those populations as active agents are inevitably concerned with the question of their eluding and resisting that transition to domination.² As one critic has put it, although colonialism might have been dominant, it was not necessarily hegemonic.³ Hegemony itself, because it 'seeks the assent of the dominated to existing power relations', is never totalised in either practice or effect.⁴

¹ Michel Foucault has been highly influential in this area, with much subsequent work extending his largely undeveloped maxim, 'where there is power there is resistance', to the colonial context. See, for example, Carol A. Breckenridge & Peter van der Veer (eds), *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* (Philadelphia, University of Pennsylvania Press: 1993), pp.4-5; Dirks, Eley & Ortner (eds), *Culture/Power/History*, p.18; and, E.R. Wolf, *Europe and the People Without History* (Berkeley, University of California Press: 1982), p.x.

² There is a growing body of literature on resistance to the colonial state. Many of these have been discussed in chapter two. Some more examples in the South Asian and Australian (convict) context include: A. Atkinson, 'Four Patterns of Convict Protest', *Labour History*, 37 (1979), pp.28-51; Sandra J. Blair, 'The Revolt at Castle Forbes: A Catalyst to Emancipist-Emigrant Confrontation', *Royal Australian Historical Society; Journal and Proceedings*, 64, 2 (1978), pp.89-107; Ian Duffield, 'The Life and Death of "Black" John Goff: Aspects of the Black Convict Contribution to Resistance Patterns During the Transportation Era in Eastern Australia', *Australian Journal of Politics and History*, 33, 1 (1987), pp.30-44; Gordon, 'Scarf and Sword'; Hamish Maxwell-Stewart, 'The Bushrangers and the Convict System of Van Diemen's Land, 1803-1846', Ph.D. thesis, University of Edinburgh (1990); Maxwell-Stewart, ' "I could not blame the rangers" '; and, Ranjit Sen, *Social Banditry in Bengal 1757-1793: A Study in Primary Resistance* (Calcutta, Ratna Prakashan: 1988). The negotiation of a gendered social order is equally important in any discussion of resistance and has been discussed, for example, by Rosalind O'Hanlon, 'Issues of Widowhood: Gender and Resistance in Colonial Western India', in D. Haynes & G. Prakash (eds), *Contesting Power: Resistance to Everyday Social Relations in South Asia* (Los Angeles, University of California Press: 1991), pp.62-108; Kay Saunders & Raymond Evans (eds), *Gender Relations in Australia: Domination and Negotiation* (London, Harcourt, Brace Jovanovich: 1992); and, Ann Stoler, 'Carnal Knowledge and Imperial Power: Gender, Race & Morality in Colonial Asia', in Micaela di Leonardo (ed.), *Gender at the Crossroads of Knowledge: Feminist Anthropology in the Postmodern Era* (Los Angeles, University of California Press: 1991).

³ Ranajit Guha, 'Dominance without Hegemony and its Historiography', in Ranajit Guha (ed.), *Subaltern Studies VI: Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1989), pp.210-309.

⁴ Ian Duffield, 'Problematic Passages: "Jack Bushman's" Convict Narrative', in Duffield & Bradley (eds), *Representing Convicts*, p.26.

It is also evident that the concept of colonialism *itself* as monolithic is problematic. Colonialism in fact was composed of a multitude of discourses, practices, actions and inactions, which were often disunified and conflicting. The 'colonial encounter' was thus not a simple dialectic of domination and resistance, but was rather an interplay between structural constraint and situational contingency,⁵ between the constraints of an ostensibly unified colonial discourse of action (rhetoric) and the many colonial bridles which at once held, checked and changed its course (practices). Indeed, while some colonial officials were writing of the penological success of transportation and the economic utility of the convicts, others were simultaneously recording a constant stream of complaints about convict conduct which implied the 'failure' of the convict system. And, just as colonialism itself was characterised by a clash between discourse and practice, so too action against it took a variety of forms. Moreover, it was within colonial tensions that possibilities for empowerment sometimes opened.⁶

Convict resistance in Mauritius comprised various collective and individual responses. Although various in form, such resistance had a common basis. It was generated as a rejection of the labour imperatives of the convict system. Action (as in other migrant unfree labour systems) ranged from mutiny and outright rebellion to more 'everyday' forms: the withdrawal of labour, 'going slow' in labour tasks, feigning illness to avoid work and desertion (marronage), for a period of days, weeks or even years. Personal grievances were also sometimes expressed through attacks against convict overseers or commanders. The ultimate act of resistance to the convict system was, perhaps, the incidence of suicide, as convicts driven to desperate measures deprived the state of their labour power through reasserting power over their own bodies.

⁵ See Nicholas Thomas, *Colonialism's Culture: Anthropology, Travel and Government* (Cambridge, Polity Press: 1994).

⁶ Cooper & Stoler, 'Tensions of Empire', p.609.

At the same time, it is clear that convict resistance fuelled concerns about the security of the island. In 1820, a convict overseer at Moka was 'severely beaten' by two convict deserters, Kalloo and Nutthun. As a direct consequence, all the overseers were issued with a musket and a box of cartridges for their own protection.⁷ Later in 1834, in the context of the abolition of slavery, the Colonial Secretary of Mauritius wrote that the convicts had 'recently shown a strong disposition to be insubordinate and turbulent as well as to desert'.⁸ Although with hindsight it is obvious that the convicts never represented a serious threat to Mauritian stability, nevertheless, as has been noted in another context, in a political economy where the mode of production rests on the subjugation and exploitation of the unfree, resistance causes profound anxiety within elite groups.⁹

Reactions to convict resistance can be revealing. Convict 'insubordination' and 'turbulence' were often simply expressions of, reactions against or even attempts to negotiate the convicts' experience of the system. In this sense, the fears which were expressed convey the extent to which the convicts were integrally involved in defining the nature of their ostensibly 'unfree' status. However, the basis of resistance was often misunderstood, with convicts' behaviour medicalised and resistance located as being the result of individuated mental instability. Moreover, the state used every available weapon it had against such resistance, from departmental discipline to the sanctions of the criminal law. As a challenge to elite authority, it could not be tolerated.

⁷ MA RA151. Letter from F. Rossi to G.A. Barry, 11th September 1820.

⁸ MA JB266. Letter from G.F. Dick to J.M.M. Virieux, 22nd July 1834.

⁹ Maxwell-Stewart, 'The Bushrangers', p.151.

Convicts in India: riot, mutiny and escape

Direct resistance to the convict system sometimes became apparent as convicts awaited their transportation from the Indian Presidencies to Mauritius. As already seen, there were serious riots in Alipore Jail in Calcutta in 1816 during which several convicts sentenced to transportation were killed or wounded.¹⁰ Similar events took place in the Bombay Presidency, including a mutiny on the convict ship *Constance*. On November 21st 1827, seven convicts were embarked on board the ship. Once at sea, they made what the captain described as a 'desperate and daring attempt to overpower the officers and crew of the *Constance* and to seize and plunder that ship'.¹¹ It appears that the ship's chief mate had ordered the convicts to go below deck at the usual time of 8pm. They had refused, stating that it was 'hot enough to kill them' down there. Sleeping outside during the summer heat was a common practice in India. A fight broke out and the captain and chief mate were locked below deck whilst the convicts took control.

The convicts threatened to set the ship on fire and so the captain offered them a boat to set themselves ashore. They refused, stating that they would not go until they had killed the entire ship's crew, 'particularly the chief mate', against whom it would seem they had a particular grudge. The weather worsened, and the convicts ordered the captain to come above deck and sail to the nearest port. He anchored at Cannanore (now Kannur in Keralam) and the convicts remained on board until the custom house boat approached the ship. They were taken ashore and delivered to the local police. The captain later learned that the convicts had proposed to the crew that they divide all the money on board, some 40,000 rupees. All the convicts except one were Arabs who wished to return to their own country, Muscat (Oman).¹²

¹⁰ See chapter one.

¹¹ IOL P.400.14. Letter from W. Sheffield, Collector & Magistrate of Malabar, to C. Norris, 21st December 1827. BomC&J, 9th January 1828.

¹² IOL P.400.14. Declaration of Mr Régnaud of the English ship *Constance*, 21st December 1827. BomC&J, 9th January 1828.

Once the mutineers were secured in the *zillah* jail in Tellicherry, attempts were made to procure their passage to Mauritius. However, no ship was tendered until the owners of the *Deux Charles* agreed to transport the men two months later.¹³ It was arranged that they would be taken on board the ship, accompanied by the Acting Senior Magistrate of Police at Bombay, and 'kept strictly confined in irons'.¹⁴ The *Deux Charles* arrived at Cannanore on February 13th 1828, but in the meantime, the convicts had escaped from the jail at Tellicherry by filing off their fetters and wrenching an iron bar from the window of their cell.

The prison guards were accused of 'extreme negligence'. It was unclear how the convicts obtained the files which they used to break jail. The guards had been ordered to prevent them communicating with anyone, which should have prevented them from obtaining files from a visitor. The likelihood that filing off the fetters would have taken more than one night suggested that the convicts' irons had not been properly examined by the guards during the day. The implication was that the convicts had escaped with the connivance of the jailers themselves.

All the escaped convicts were arrested within a week by a party of police peons who were on duty about sixty miles inland from Tellicherry, on the Malabar-Mysore border.¹⁵ The first convict, Mogul Ambass, was captured despite his initial claim that he was not an escaped prisoner but a horse dealer. The five remaining 'Arab' convicts - Issuf Mahomed, Ally Momarg, Sultan, Mal Allah and Mahil - were found soon afterwards, when they were surrounded in their jungle hideaway. The seventh convict, a 'Portuguese' called Mariano de Cruz, was captured in the same way, two

¹³ IOL P.400.15. Letter from C. Norris to G.A. Barry, 26th February 1828. BomC&J, 27th February 1828.

¹⁴ IOL P.400.14. Letter from T. Buchanan, Superintendent of Marine, to C. Norris, 17th January 1828. BomC&J, 23rd January 1828 and IOL P.400.15. Letter from J.D. Devitre, Acting Senior Magistrate of Police Bombay, to C. Norris, 28th January 1828. BomC&J, 9th January 1828.

¹⁵ IOL P.400.16. Letter from W. Sheffield to C. Norris, 16th March 1828, enclosing a letter from H.M. Blair, Assistant Magistrate Tellicherry, to W. Sheffield, 14th January 1828 and letter from H.M. Blair to C.M. Whish, Joint Criminal Judge Tellicherry, 14th January 1828. BomC&J, 9th April 1828.

days later, on February 19th.¹⁶ In line with a political economy which officially encouraged *goindas* (informers), a reward of 150 rupees was distributed amongst those responsible for their capture.¹⁷

The mutineers were eventually dispatched for Mauritius on the *Deux Charles*, although one of the convicts, Issuf Mahomed, died on the way to the island after what was described as a 'long illness'.¹⁸ The remaining convicts arrived at Port Louis on April 15th.¹⁹ It had been agreed by the Indian authorities that the convicts would be tried for mutiny at the Court of Admiralty after they arrived in Mauritius.²⁰ There is, however, no surviving evidence either that they faced such a trial or were imprisoned upon their arrival on the island. Nor was any mention made of the affair when the surviving convicts were inspected at the time of the 1847 report. Indeed, the conduct of Mullallah Ibrahim (Mal Allah) and Sultan Seedee (Sultan) was said to be 'very good', with the former having gained employment as a groom to oversee William Hill.²¹

After the *Constance* mutiny convicts from Bombay were kept in heavy chains and under police guard during the voyage to Mauritius. Shortly afterwards, the owner of *La Navarine*, on its second convict voyage in 1832, requested arms for the ship's command 'to guard them against some mutiny'.²² The crew was subsequently

¹⁶ IOL P.400.15. Lists of the Police Officers who effected the apprehension of the six arab convicts who escaped from Tellicherry Jail, 9th April 1828. BomC&J, 9th April 1828.

¹⁷ IOL P.400.15. Letter from F.C. Gardiner to W. Sheffield, 8th April 1828. BomC&J, 9th April 1828. See also McLane, 'Bengali Bandits', pp.42-3, on the role of *goinda* in capturing the leaders and members of *dacoit* gangs. Up to 500 rupees was offered for the capture of a *dacoit sirdar*.

¹⁸ IOL P.400.16. Letter from F.C. Gardiner to A.W. Blanc, 25th January 1828, enclosing an extract from Régnaud's journal, 26th January 1828. BomC&J, 28th April 1828.

¹⁹ MA Z2D.3 no.88. Passenger lists inwards, 15th April 1828.

²⁰ IOL P.400.16. Letter from F.C. Gardiner to A.W. Blanc, 17th April 1828. BomC&J, 28th April 1828.

²¹ PRO CO167.287. Report of the Committee appointed to inquire into the present state of the Indian Convicts and the most expedient mode of employing them now that the effectives are so reduced in number, July 20th 1847. Appendix 1 (List of Surviving Convicts in April 1847).

²² IOL P.400.54. Letter from Jahangheira Vasservanjee to C. Malcolm, 9th March 1832. BomC&J, 14th March 1832.

furnished with four muskets, four swords, four pistols and ammunition from the East India Company's stores.²³ By 1834, it was decided that in order to prevent convict insurrections, passages should, in future, be only on board British vessels.²⁴ The risk of mutiny or escape during the voyage to Mauritius had been underlined.

In 1835, another group of convicts under sentence of transportation attempted to escape whilst still in Bombay. The seven convicts were on their way from Poona to Tannah Jail when they attacked their twelve sepoy guards. Although the sepoys secured three of the men, during the ensuing foray two were shot dead and two others escaped into the countryside. One of these escapees, Hurry Vulud Bapoo, was recaptured and sent to Mauritius shortly afterwards. There is no evidence that the other man was ever found.²⁵

The Bel Ombre rebellion

In May 1817, M. Blancard, the Civil Commissary of Savanne, petitioned for the allocation of 'at least' twenty-five convicts to his plantation in Savanne, which was called Bel Ombre.²⁶ The authorities agreed (perhaps influenced by the fact that Charles Telfair, the Secretary to Government, was in partnership with Blancard). By July 17th, seventy-five convicts had been sent there. They were put to work cultivating various crops, including rice, maize, lentils, potatoes, beetroot, peas, arrowroot, peanuts, ginger and manioc. There was even an experiment in growing grape vines.²⁷

²³ IOL P.400.54. Letter from C. Malcolm to J. Bax, 19th March 1832. BomC&J, 14th March 1832.

²⁴ IOL P.400.73. Letter from C. Norris to J. Crawford, Superintendent of the Indian Navy, 10th April 1834. BomC&J, 16th April 1834.

²⁵ IOL P.401.10. Letter from the Session Judge of Poona to L.R. Reid, 28th January 1835. BomC&J, 25th February 1835.

²⁶ MA RA89. Petition from M. Blancard to R.T. Farquhar, 19th May 1817.

²⁷ PRO CO167.40. Return showing the number of convicts employed with individuals during the months of February, March, April, May, June and July 1817.

The convicts continued to receive their rations from the Civil Storekeeper, as was the practice for all the convicts who were either working on the roads or had been allocated to individuals on the island. However, at Bel Ombre, their overseer, William Holmes, distributed part of the convicts' rations to the plantation's slaves as well, leaving the Indians with deficient rations. As a result, forty-seven of the convicts returned to the depot at Grand River to put forward their complaints. According to William Clover, they were in good health when they arrived there, but claimed that they had 'not received their proper rations as they did at Grand River'. They also stated that they had been 'ill-used and wronged out of their rations' by William Holmes.²⁸

Dr Robert Erskine, the Chief Medical Officer, was called upon to investigate the allegations of ill-treatment. His report on one convict noted:

Saprar Jackel has many marks of severe violence on the back and buttocks, and also deep and extensive ulceration on the buttocks. He states that he was severely flogged with a cart whip almost eight or nine days ago at the Estate of Belombre.²⁹

Dr Erskine also stated that some other convicts complained of having been whipped and showed him the marks where the punishment had been inflicted.³⁰ Yet despite this evidence, the Court of Enquiry, which was formed to investigate the convicts' complaints, ordered thirty-two of them to be flogged in punishment for leaving the estate and sent them all back to their work.³¹

²⁸ PRO CO167.40. Interview of William Clover by Francis Rossi, 21st September 1818.

²⁹ PRO CO167.40. Letter from Dr R. Erskine to Lieutenant Jenkins, Acting Superintendent of Convicts, 24th July 1817.

³⁰ PRO CO167.40. Despatch from Major-General Hall to Lord Bathurst, enclosing a letter from Dr R. Erskine, 18th September 1818.

³¹ PRO CO167.40. Interview of William Clover by Francis Rossi, 21st September 1818. The Court of Enquiry was composed of Lieutenant Jenkins and 'a man of police' whose name Clover could not remember.

On the night the convicts arrived back at Bel Ombre (July 17th), William Holmes threatened to punish them further, telling them that the punishment which they had received at Grand River was 'nothing to what he would "inflict" '.³² This was probably his retaliation for the prospect of a reprimand. As a result of his threats, eighteen of the convicts (subsequently named as Bisharut Kan, Jhunkoo, Ruttuna, Kissaour, Kallouah, Jowaher, Kehuree, Kunnye, Mooteah, Sadut Kan, Muwashee, Besawun, Karam Kan, Maunray, Miseraly, Maddow, Golsine and Ram Buckso) absconded from the plantation, going into hiding in a neighbouring wood.³³ Nothing was heard of them for almost two weeks. Then, on August 1st, a slave watchman at Belombre, Pyrame, reported that the escapees had attacked him and stolen his gun.

Four days later, on August 5th, one of the convicts, Miseraly, returned to Bel Ombre. He stated that the rest of the convicts had joined with a band of maroon slaves, were armed and were planning to descend on and set fire to Bel Ombre that night.³⁴ According to his testimony, the convicts wanted to kill Blancard, cut William Holmes into 'small pieces' and then escape to Madagascar. As has been shown in another context, informers like Miseraly were often both accomplices to events constructed as 'criminal' and approvers of the prosecution's view of those 'crimes'. Often, the informer's testimony was not simply the 'discourse of a repentant rebel', however, as it bore:

³² PRO CO167.40. Letter from Major-General Hall to J. Pépin, Acting Attorney General, 13th September 1818.

³³ MA JB127. Trial of the Bel Ombre Convicts. 'Liste des dix Galériens absents de chez Mess. Telfair et Waugh et rentrés au Bagne de la Grande Rivière le 10 aout 1817'.

³⁴ Maroon slave communities emerged shortly after the French colonised Ile de France. They were perceived to pose a serious threat to 'life, limb and property', especially if they were able to create and maintain their own communities. Marronage was thus countered with extreme violence. The Code Noir (1723) decreed that first offenders would lose both ears and be branded on the shoulder; on their third marronage, offenders would be executed. Maroon slaves were also commonly shot on sight. See Richard B. Allen, 'Marronage and the Maintenance of Public Order in Mauritius, 1721-1835', *Slavery & Abolition*, 4, 3 (April 1993), pp.214-5.

the impress of an interrogating power and the stamp of violent intervention: fear of punishment, actual torture and, most crucially, promise of pardon and reward.³⁵

In other words, the more informers implicated themselves in 'criminal' acts, the better their chances of being pardoned. Miseraly was twenty-seven years old and able to sign his name (his later court statement was signed). He claimed that he had been transported to Mauritius for assisting Besharut Khan in robbery, adding that the latter had wrongly implicated him in the crime.³⁶ If this were the case, it could provide a motive for his betrayal of the convicts. However, the ship indents do not corroborate his story. Both were tried in Bereilly, but the crimes for which they were found guilty, and the dates of their respective trials, were completely different.³⁷

Miseraly also claimed that he had no intention of deserting from Bel Ombre but had been forced to do so by the other convicts. He said that when he expressed his misgivings about the convicts' plans after they had sought refuge in the woods, he had been tied up. It was at this point, he alleged, that he decided to escape, he claimed, as he believed that they would all be killed if they attacked Bel Ombre. Miseraly's evaluation of his role in the rebellion, implicitly as a victim, contradicted that of the other convicts, who during the ensuing trial implicated him as a willing participant in if not leader of the outbreak. The indeterminable truth is less significant than that the informer Miseraly was acquitted of all charges. Indeed,

³⁵ Shahid Amin, 'Approver's Testimony, Judicial Discourse: The Case of Chauri Chaura', in Guha (ed.), *Subaltern Studies V*, pp.168-78 and *Event, Metaphor, Memory: Chauri Chaura 1922-1992* (Berkeley, University of California Press: 1995), pp.74-94.

³⁶ MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance. Miseraly stated that 'ayant observé un congé pour se rendre chez lui il y trouva un homme nommé Besharut Kan qu'il y était venu avant lui le fut craint ainsi d'avoir volé et qu'il a suspecté qu'on l'assistait'.

³⁷ IOL P.132.20. List of convicts *per Lord Minto*, 16th February 1816. BenC&J, 16th February 1816.

before the trial even began, the Attorney General declared him 'innocent as he denounced the plot'.³⁸

Upon Miseraly's return to Bel Ombre, Blancard raised an armed military force, consisting of Miseraly himself, nine soldiers from Poste Jacoté, two Bel Ombre slaves (Sofala and Figaro) and William Holmes. With Blancard at the head of the detachment, they went to search for the convicts. Arriving at the hideout on the woods, they discovered an abandoned camp and traces of a convict retreat up a mountain beyond. Following a trail there, Sofala and Figaro were the first to discover the convicts, spotting four of them sitting down.

They alerted the rest of the detachment and called on the convicts to surrender. According to the slaves, the convicts got up, armed with their *rattans*, and ran towards them. Sofala fired his gun at them twice, missing both times. However, by this point, Blancard and his men had arrived. The detachment fired and shot two convicts dead, with two of the balls piercing Ram Buckso's left shoulder and five entering Golsine's left thigh. Karan Khan and Besawun were also injured.³⁹ The other convicts ran back into the woods, only to return to the Grand River depot within a few days, claiming that was always their intention, but they had lost the path.⁴⁰ From there, they were placed in prison, until their trial.

Governor Farquhar viewed the rebellion seriously enough to prompt a personal letter to the Procureur Général, Maître J.M.M. Virieux, compelling him to investigate these 'outrages' without delay.⁴¹ The union between convict deserters and slave

³⁸ MA JB127. Trial of the Bel Ombre Convicts. Letter from J.M.M. Virieux to J. Pépin, 14th August 1817.

³⁹ MA JB127. Trial of the Bel Ombre Convicts. Report of Jean Louis Desnoyeur, Medical Officer Savanne, 9th August 1817.

⁴⁰ MA JB127. Trial of the Bel Ombre Convicts. Verdict of the Court of Assizes, December 13th 1817.

⁴¹ MA JB127. Trial of the Bel Ombre Convicts. Letter from R.T. Farquhar to J.M.M. Virieux, 11th August 1817.

maroons was one of the most threatening features of the rebellion at the time. Slave marronage had been a continuing feature since Mauritius was settled by the Dutch. The legacy of marronage under the French influenced British policy even after the abolition of slavery, with indentured immigrant vagrancy ordinances essentially modelled on the old marronage laws.⁴² At the same time, slave unrest in the West Indies provided a potent reminder of the potential consequences of maroon communities.⁴³

Besharut Khan, the first convict called to give evidence at the trial, stated that the convicts left Bel Ombre because they had not received their proper rations. Ruttuna, Maumray and Sadut Kan added that they had been badly treated by Holmes who, they claimed, had told them on their return from Grand River that he would give them the punishment which they had already received.⁴⁴ When Besharut Kan continued his evidence, he stated there was no plot to burn down Bel Ombre, to kill William Holmes, or to abscond to Madagascar. He said that the convicts' intention in going into the woods was simply to go to Grand River, as they believed that they would face a fairer punishment there than at Bel Ombre. He said that they did not go straight back to the depot as they did not want to be followed and, once they got into the woods, they lost their way. With nothing at all to eat apart from a little rice, manioc and sugar cane, they soon became weak, and could not walk very far, which

⁴² Allen, 'Marronage and the Maintenance of Public Order', p.216.

⁴³ There were more than a dozen slave revolts in eighteenth-century Jamaica, culminating in the Christmas rising of 1831. In 1816, sixty plantations in Barbados felt the impact of a general slave revolt. Between 1731 and the abolition of slavery, there were at least eighteen revolts in the Guianas. Eugene D. Genovese, *Roll, Jordon, Roll: The World the Slaves Made* (New York, Pantheon: 1974), pp.589-90. See also Michael Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (London, Cornell University Press: 1982); Richard Hart, *Slaves Who Abolished Slavery, Vols I & II* (Jamaica, Institute of Social & Economic Research: 1980-5); Evelyn O'Callaghan, *The Earliest Patriots: being the true adventures of certain survivors of 'Bussa's Rebellion' (1816), in the island of Barbados and abroad* (London, Karia Press: 1986); and, Richard Price (ed.), *Maroon Societies; Rebel Slave Communities in the Americas* (London, John Hopkins University Press: 1979).

⁴⁴ MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance, 13th August 1817. In many ways, the convicts' actions exemplify what has been described, in the context of New South Wales, as a 'mapping of boundaries between perceptions of legality and illegality'. See Paula J. Byrne, *Criminal Law and Colonial Subject: New South Wales, 1810-1830* (Cambridge, Cambridge University Press: 1993), p.7.

is why it took them such a long time. He said that he did hear a gun being fired (although he could not say when), and believed that some other convicts were killed. At this point, he claimed, the convicts went back into the wood, arriving at Grand River two days later. He added that the convicts did not join with maroon slaves at any stage.

The other convicts corroborated Besharut Khan's testimony concerning motives for absconding and their plan of returning to Grand River, each also repeating that there was no plot to burn down Bel Ombre, kill Blancard and Holmes, or escape to Madagascar. Not surprisingly, the defendants attempted to discredit Miseraly as the real 'chef du complot'. Kehuree and Jowaher both stated that he had forced the others to leave Bel Ombre, whilst Muwashee claimed that Miseraly, not Blancard's detachment, had killed Golsine. Kissaour added that Miseraly had stolen the gun.⁴⁵ In a police report made just after his arrest, Kissaour stated that the convicts wanted to kill Miseraly for having betrayed them.⁴⁶

Although the Bel Ombre convicts colluded concerning some aspects of the events, they showed a convenient degree of confusion about details which would determine whether comrades would face capital charges. It has been argued that in Sri Lanka, the Singalese and Kandyans, rather than being in awe of court proceedings, treated the courts as 'an amoral source of power which could be used by those skilful enough to manipulate them'.⁴⁷ The same conclusions might also be applied here. The convicts each gave a different version of events in relation to which of them was

⁴⁵ MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance, 13th August 1817.

⁴⁶ MA JB127. Trial of the Bel Ombre Convicts. Interrogation of Kiesour and Kalooa, 10th August 1817. Unfortunately, these two very short interviews are the only ones carried out before the trial.

⁴⁷ John D. Rogers, *Crime, Justice and Society in Colonial Sri Lanka* (London, Curzon: 1987), p.41.

had instigated the rebellion and who stole the gun. This was of no little significance to the court, as each convict was being tried on the capital charge for rebellion.⁴⁸

Kallouah claimed Ruttuna and Ram Buckso had stolen the gun, whilst Besharut Kan claimed that the convicts had not stolen a gun at all. Jhunkoo and Kehuree stated that no single convict had instigated the desertion. Kallouah, however, testified that the convicts had been led by Ruttuna. Ruttuna denied this, adding that the convicts had not attacked Pyrame, the slave guardian.⁴⁹ The convicts' conflicting statements clouded things, perhaps artfully. These confusions were pled in mitigation of the verdict. No single convict was found guilty of a *particular* act, but only of having taken participated in a *general* 'gathering'. Neither was the theft of the gun from the guardian Pyrame ever proven.⁵⁰ The convicts were thus acquitted of the charge of rebellion, and were simply found guilty of deserting their work.⁵¹

At this time, the only penal option open to the court was to send the convicts back to the 'most severe discipline of their corps'.⁵² Moreover, once the convicts had been sent back to the Convict Department, there was no precedent by which they could be appropriately punished.⁵³ Arrangements were made to separate them from the other convicts. As a result, the fourteen of them were released from prison on

⁴⁸ PRO CO167.40. Letter from Major-General Hall to J. Pépin, 13th September 1818. The convicts were charged under Articles I & II of the 1793 Napoleonic Code. Article 1 stated: 'Toutes compirations et complots tendant à troubler la colonie par une guerre civile, en armant les citoyens les uns contre les autres, ou contre l'exercice de l'autorité légitime, seront punis de mort.' Article 2: 'toute attaque ou résistance envers la force publique agissant contre l'exécution des dits complots ... seront punis de mort.'

⁴⁹ MA JB127. Trial of the Bel Ombre Convicts. Evidence of the Court of First Instance, 13th August 1817.

⁵⁰ MA JB127. Trial of the Bel Ombre Convicts. Verdict of the Court of Assizes, 13th December 1817.

⁵¹ PRO CO167.40. Letter from Major-General Hall to J. Pépin, 13th September 1818.

⁵² MA JB127. Trial of the Bel Ombre Convicts. Verdict of the Court of Assizes, 13th December 1817.

⁵³ MA RA135. Letter from F. Rossi to G.A. Barry, 19th May 1820.

December 28th 1817 and sent to work on the construction of the Mahebourg canal, in the very south of the island:⁵⁴

These men were kept for some time in fetters but finding that whilst under that heavy pressure of chains they could not be but of very little service, and that they were quiet and orderly in their conduct, I ordered their chains to be taken off, and I dispersed them amongst the several working parties with a positive order to the Overseers to keep a most watchful superintendence over them.⁵⁵

Miseraly was acquitted on all counts. Acting-Governor Hall, however, directed that he be kept in 'free' confinement, as he feared retaliation from those he had betrayed. It was ultimately intended to send him back to Bengal.⁵⁶ Miseraly at first begged to be kept separate from the other convicts, fearing for his life. In January 1819 he was still in jail and petitioned for return either to Bengal or the Convict Department.⁵⁷ Hall released him back into the department later that month.⁵⁸

Hall himself sympathised with the actions of the convicts, later writing that the rebellion resulted from being messed with the Bel Ombre slaves, 'which must have forfeited their Cast'. For him, the flash point was convict refusal to eat out of the same pots as the slaves. According to Hall, these 'religious sensibilities' prompted the mass desertion.⁵⁹ However, neither in the police reports nor in the trial itself were 'religious sensibilities' or 'caste prejudices' offered as a motive for the rebellion, either by the convicts themselves or by other witnesses. Speculatively, there may have been mistranslation of the convicts' evidence. Commensuality was a real issue, if not the only one. As Ranajit Guha has argued in another context, the religious

⁵⁴ MA RA99. Letter from E.A. Draper to G.A. Barry, 27th December 1817, enclosing a letter from F. Rossi, 24th December 1817.

⁵⁵ MA RA135. Letter from F. Rossi to G.A. Barry, 19th May 1820.

⁵⁶ MA RA127. Letter from F. Rossi to G.A. Barry, 8th January 1819, enclosing a letter from M. Mignot, Concierge of the Civil & Criminal Prisons, 5th January 1819.

⁵⁷ PRO CO167.40. Letter from J. Pépin to Major-General Hall, 16th September 1818.

⁵⁸ MA RA127. Letter from F. Rossi to G.A. Barry, 8th January 1819, enclosing a letter from M. Mignot, 5th January 1819.

⁵⁹ PRO CO167.40. Letter from Major-General Hall to J. Pépin, 13th September 1818.

specificity of rebel consciousness has too often been ignored. Peasants did not stumble into rebellion. It was a 'motivated and conscious undertaking on the part of the rural masses'.⁶⁰ Nevertheless, the probability is that Hall reshaped the evidence to conform with the orientalist understanding of Indian society. Why he might do this is the question. Certainly, it was easier to gloss over the uprising as a typical instance of Indian religious conservatism, rather than concede it was a response to the harsh and, in various respects, indefensible labour regime at the Bel Ombre estate.

'Everyday' forms of resistance

Despite its obvious importance as a form of direct action, there has been a sharp historiographical move away from the concept that rebellion is the only real form of resistance against oppression.⁶¹ It has been shown that peasants in South and Southeast Asia, for example, engaged in 'everyday' forms of resistance against those who attempted to extract labour from them, including footdragging, false-compliance and feigned ignorance, arson and sabotage.⁶² In the Mauritian context, Anthony J. Barker has identified a number of responses to slavery, including slow-working, insolence and petty theft against slave owners.⁶³ Marina Carter also notes the incidence of walk-outs amongst Indian indentured immigrants on the plantations, and cites an example of machine breaking by the labourer Pirhoo in 1839.⁶⁴

⁶⁰ Guha, 'The Prose of Counter-Insurgency', pp.1-2 & 38-9.

⁶¹ It has been argued: 'strictly speaking, only insurrection represented political action, which some choose to define as the only genuine resistance since it alone directly challenged the power of the regime. From that point of view, those activities which others call "day-to-day resistance to slavery" - stealing, lying, dissembling, shirking, murder, infanticide, suicide, arson - qualify at best as prepolitical and at worst as apolitical'. Genovese, *Roll, Jordon, Roll*, p.598. However, 'prepolitical' here comes from a rather discredited classical Marxist teleology, which posits that the *only* subalterns who can be genuinely 'political' are industrial proletarians.

⁶² See F.D. Colburn (ed.), *Everyday Forms of Resistance* (New York, M.E. Sharp: 1989); Haynes & Prakash (eds), *Contesting Power*; James C. Scott, *Weapons of the Weak: Everyday Forms of Resistance* (New Haven, Yale University Press: 1985); and, James C. Scott & Benedict J. Tria Kerkvliet (eds), *Everyday Forms of Peasant Resistance in South-East Asia* (London, Frank Cass: 1986).

⁶³ Barker, *Slavery and Antislavery*, pp.114-9.

⁶⁴ Carter, *Servants, Sirdars & Settlers*, pp.222-30.

Another commentator asserts that there was continuous and wide-ranging conflict between indentured labourers and their employers. This was both violent and covert in form and included attacks against overseers and absenteeism or desertion.⁶⁵

There is thus evidence of a plethora of much and varied resistance amongst slaves, apprentices and indentured Indian immigrants in Mauritius. Likewise, a wide range of 'everyday' forms of resistance against the convict system occurred, including individual or collective tactics of going slow or labour avoidance. Upon the arrival of the first convicts in the colony they were described as an extremely inefficient labour force. The Colonial Secretary, for example, then wrote of their 'unwillingness' to work. In 1817, M. Pitot, a leading member of the *Conseil des Communes*, in a potent blend of cultural and racial prejudice, represented the convicts' 'manner of working' together with their 'feeble constitution' as producing only a quarter of the work of a 'good black'.⁶⁶ In 1819, the Joint Commissaries of Police added:

We cannot help observing the slow progress of the 70 convicts, who have been daily employed in elevating the new market ground.⁶⁷

James Holman also noted that the convicts were 'very idle when employed on public works'.⁶⁸ Another visitor to the island, Charles Boyle, wrote in a similar fashion:

⁶⁵ M.D. North-Coombes, 'From Slavery to Indenture: Forced Labour in the Political Economy of Mauritius 1834-1867', in Kay Saunders (ed.), *Indentured Labour in the British Empire 1834-1920* (London, Croom Helm: 1984), pp.107-9.

⁶⁶ MA HC29. Troisième Séance du Conseil de Commune Générale, 15th December 1817.

⁶⁷ MA RA77. Letter from E.A. Draper & J.M.M. Virieux to G.A. Barry, n.d.

⁶⁸ Holman, *A Voyage Around the World*, p.129.

One has only, as one drives along, to watch the gangs of convicts working on the roads. Here is forced labour, by the side of yonder labour in the cane-fields which is *paid*. I do not mean to say you often perceive, even in the last, much genuine alacrity, unless it be when the sugar carts are unloading, - that work goes on briskly; but the way in which the men condemned to the roads [the convicts] creep along with their baskets on their heads, and sleepily tilt over the contents at a given spot, at once convinces you on which side the superiority lies ... It has been calculated that at Portland the prisoners do about 40 per cent. of the quantity of work which would be performed, in the like time, by the like number of free hands. I know not what the proportion may be here, but at the most limited computation it must be something like the above.⁶⁹

Although evidently a typically orientalist construction, misunderstanding the nature of South Asian labour processes, nevertheless convicts were quite possibly 'going slow' in their work tasks. The 'idle native' was a typical colonial stereotype, often obscuring within its discourse of control a variety of forms of passive resistance.⁷⁰ Similarly, convict go-slows in the Australian colonies and elsewhere have been well documented. Indeed, convict 'malingering' was the focus of constant concerns in New South Wales.⁷¹ J.F.A. McNair, the Superintendent of Indian convicts in the Straits Settlements between 1857 and 1877, claimed that a number of Indian convicts there also attempted to avoid work. He wrote of convicts 'encouraging sores round the ankles, where the iron rings of their fetters were placed'. One convict successfully pretended to be blind for several years by placing egg albumen over his eyes. Other attempts to feign rheumatism and paralysis were harshly punished by subjecting convicts to powerful shocks from galvanic batteries.⁷² The

⁶⁹ Charles John Boyle, *Far Away; Or, Sketches of Scenery and Society in Mauritius* (London, Chapman & Hall: 1867), p.109.

⁷⁰ See Genovese, *Roll, Jordan, Roll*. He argues: 'the notion that black slaves, being intrinsically lazy, would work only under compulsion ... reinforced a developing Euro-American racism, the roots of which lay in centuries of ruling-class European attitudes toward their own labouring poor.' (p.298). On racial stereotyping, see also Alatas, *The Myth of the Lazy Native*.

⁷¹ See, for example, Atkinson, 'Four Patterns of Convict Protest' and Nichol, 'Malingering and Convict Protest'. Evans & Thorpe, 'Power Punishment and Penal Labour', have called for more convict historiography which takes such 'day-to-day class struggle' into account.

⁷² McNair, *Prisoners Their Own Warders*, pp.152-5.

case of another convict refusing to work in Singapore after being denied permission to drink some water is also recorded.⁷³

In Mauritius, too, malingering was a labour avoidance tactic. Complaints that convicts often reported themselves sick, in order to escape work for a few days, were common. In 1832, the Surveyor General wrote:

I have continual occasion to observe the loss of labour to government of the Convict Sepoys by their stating themselves to be ill and having no medical person even to examine them, a man often after absenting himself from his work says he is ill the mode is to keep them in their quarters for one day or two and then if they do not get better send them to the hospital - sometimes they do not get better but more frequently after skulking in their quarters 2 or 3 days and when about to be sent to the hospital they state they are quite recovered.⁷⁴

Michael Carey, a surveyor of roads, later complained that the convict Luximon first removed his irons and threw them into the river and then 'positively refused to work'. Next, he reported sick, and claimed to have been ill for ten days.⁷⁵ Similar examples have been noted in the records of the penal settlement at Macquarie Harbour (Van Diemen's Land), with convicts reporting themselves sick and refusing to work 'under pretence of being ill'.⁷⁶

Arzoon Appagee also challenged the labour imperatives of the convict system through his 'constant idleness'. The Surveyor General, W.H. Rawstone, wrote that he was 'reputed to be an idiot':

⁷³ P.J. Begbie, *The Malayan Peninsula; Embracing its History, Manners and Customs of the Inhabitants, Politics, Natural History &c. from its Earliest Records* (London, Veprey Mission Press: 1834), p.210.

⁷⁴ MA RC4. Petition from J.A. Lloyd to G.F. Dick, 27th March 1832.

⁷⁵ MA RA1164. Letter from M. Carey, Surveyor of Roads, to W.A. Rawstone, 12th October 1852.

⁷⁶ Maxwell-Stewart, 'Convict Workers', p.154 (n.62).

his conduct at times is so strange and unaccountable that I have every reason to believe him to be of unsound mind, as such I consider him too dangerous a subject to be at large any longer.⁷⁷

Indeed, Carey continued:

On sending for him this morning he sent word by the Commander, that he would not come that he was sick and would go to Hospital. I then sent him to the Doctor which the enclosed ticket will shew.

When I returned in the evening I called him again and cautioned him to think of what would be the result in refusing to go, in giving him the advice he grossly gave me insolence before several of his own country-men and his last word that he would not go from Grand River as he had your consent to remain there so long as he conducted himself quietly and obeyed orders he is an overbearing character throughout the piece.⁷⁸

Such ploys evidently baffled colonial officials, who were driven to find an explanation within the medical discourse of 'insanity'. Indeed, following being perceived as a danger to society, Arzoon Appagee was labelled insane. The Surgeon in Charge of the Civil Hospital wrote that he had often been hospitalised for 'mental alienation'.⁷⁹ Similarly, it has been shown that during the second half of the nineteenth century, Indian prisoners who refused to work in Alipore jail were often transferred to asylums. As a system based on the exploitation of labour power, impediments to extracting labour from the Mauritian prisoners was a constant colonial concern.⁸⁰ It would seem that madness has long had a meaning associated with non-productivity.

⁷⁷ MA RA1068. Letter from W.H. Rawstone to C.J. Bayley, 15th July 1850.

⁷⁸ MA RA1068. Letter from M. Carey to W.H. Rawstone, 12th July 1850.

⁷⁹ MA RA1068. Letter from A. Montgomery to C.J. Bayley, 16th July 1850.

⁸⁰ J. Mills, 'If Madness is a Foreign Country, What of Madness in a Colony?'; *The Asylum Population in British India after 1857*, unpublished paper presented at the *Centre for South Asian Studies*, Edinburgh (1996), pp.1-5.

In another incident which was viewed as an act of insolence if not insubordination, a group of convicts were working on the roads near Mahebourg. A regiment of about 300 soldiers passed by on the way to Curepipe. The convicts informed them that 300 men were lying in ambush for them in the forest. The troops loaded their weapons and were forced to march so slowly that they did not reach their camp until later that evening. It was dryly reported in the newspaper *Le Cernéen* that the 'warning' was false.⁸¹

Individual convicts sometimes committed violence in their resistance against the system. The Bengali convict Rughobursing was particularly notorious for this. Indeed, he had even delineated the boundaries of his original sentence, as one of the convicts who had petitioned for his sentence of imprisonment for life to be commuted to transportation in 1828. Shortly after his arrival, in 1829, he attempted to strike overseer Cormack with a crow bar. As punishment, he was sent to work in heavy irons for two months on the orders of William Staveley. Another convict was similarly punished for 'lifting a pick axe' against his overseer in Rivière du Rempart in 1838.⁸² Such attacks took place in other penal settlements, too. The Viceroy of India, Lord Mayo, was murdered during a visit to the Andaman Islands in 1872. A *pathan* convict apparently confessed 'that he had waited long and patiently to kill a white man of high rank'.⁸³ At Macquarie Harbour, attacks on convict overseers were 'not infrequent'. One overseer was drowned by nine convicts, another stabbed in the head and neck.⁸⁴ These parallels collapse 'orientalist' explanations, that it was somehow in the 'nature' of Indians to engage in irrational violence.

⁸¹ PRO CO172.1. *Le Cernéen*, 8th June 1832.

⁸² MA Z2A113. Letter from A. Van Hilten to J.A. Lloyd, 3rd December 1838.

⁸³ Dass, *The Andaman Islands*, p.127.

⁸⁴ Maxwell-Stewart, 'Convict Workers', p.155. In a similar case, a revolt took place at Castle Forbes on the Hunter Valley property of James Mudie. Six assigned convicts robbed Mudie's house and tried to kill his partner and the overseer John Larnach. They then took to the bush. After they were apprehended, an enquiry followed in which the convicts complained that they had been given 'seconds' (low-grade flour), they were brutally flogged and that their tickets-of-leave had been refused. It has been argued that the revolt assumed significance because it was 'indicative of the relationship between convicts and masters in that area' and the convicts' attempts to redefine that

In December 1819, two convicts, Soojant Khan and Besharut Khan, robbed Francis Rossi's, house. A direct attack on the head of the Convict Department was no ordinary robbery.⁸⁵ Likewise, Colonel Barclay, the Colonial Treasurer, was burgled at about the same time. The convict Toree claimed to have seen a number of goods which he believed may have been stolen from Barclay. This included a pair of epaulettes, which he stated was in Madow's possession.⁸⁶ Such raids can be seen as constituting both symbolic and actual retribution, beyond any material objectives. These were questions which went beyond the acquisition of property, clearly concerning retaliation and retribution.⁸⁷

Later in 1829, Rughobursing attacked two convicts, Looteah and Kalooa, at the Port Louis bazaar, after they refused to give him some potatoes which they had just bought. Rughobursing struck them both around the head with his *rattan*, injuring Kalooa's forehead and fracturing Looteah's skull. A number of people witnessed the attack, stating that there had been no provocation on the part of Looteah and Kalooa. Rughobursing, however, denied the crime, stating that the two convicts had fallen down drunk and had blamed him as he was nearby. He was sent before the Court of Assizes, found guilty of the attack and returned to the discipline of his corps.⁸⁸ As a result of Rugobursing's repeated offences and the seriousness of the assault, the Governor authorised his imprisonment for two years.⁸⁹

Whilst in prison, Rughobursing attacked another prisoner, a Chinese man, during an argument over a piece of wood. It was constructed as an incident of racial tension,

relationship. The enquiry ordered that five of the convicts be executed and one transported to Norfolk Island for life. See Blair, 'The Revolt at Castle Forbes', pp.89-107.

⁸⁵ MA RA137. Letter from F. Rossi to G.A. Barry, 5th June 1820.

⁸⁶ MA JB136. Trial of Ruttunah, Ramsook, Sobah, Turée, Kehurée & Madow. Interrogation of Torée. Court of First Instance, 5th May 1820.

⁸⁷ See Duffield, 'The Life and Death of "Black" John Goff', pp.30-44, on a similar raid made by John Goff on the Superintendent of the Plantation Establishment in Macquarie Harbour Penal Station.

⁸⁸ MA JB211/221. Trial of Rughobursing. Police & medical reports, 7th December 1829 and verdict of the Court of Assizes, 13th March 1830.

⁸⁹ MA JA41. Police Correctionnelle, 9th July 1830.

exacerbated by Rughobursing's 'mental derangement'. Hinting at the man's 'insanity', John Finniss wrote:

He has been examined by the Chief Medical Officer and sent to Hospital as being in a state of mental derangement but from what I learn from the Surgeon of the Civil Hospital the symptoms are not such as require his being long there.

His conduct in the Civil Prisons has been so outrageous on several occasions as to create apprehensions that in some of these paroxysms he will murder some person and the crowded state of the prison does not admit of his being confined separately. Under these circumstances I respectfully submit for His Excellency's decision whether he could not be kept at the Convict Establishment at Grand River where being with those of his own caste he would be less exposed to the excitements which constantly ruffle his irritable temper in the Civil Prisons.⁹⁰

The meaning of 'caste' here clearly signified 'Indian'. As a result, it was ordered that Rughobursing come out of hospital and return to the department to work in the heaviest irons used.⁹¹

Nevertheless, in 1834, Rughobursing was again brought before the Court of Assizes. This time, he was found guilty of the attempted murder of overseer John Hewett and the premeditated murder of the convict commander Ghunna. Hewett claimed that he had attacked them, unprovoked, with a knife. At his trial, however, Rughobursing offered a different version of events:

Overseers Hewett, Carter and Workmen told him that if he gave them fifteen piastres they would name him Commander and so he did. Several days later he fell ill and he asked them again but they told him they no longer needed another Commander. Since that time Mr. Hewett had often mistreated him and made his life a misery.⁹²

⁹⁰ MA RA431. Letter from J. Finniss to G.A. Barry, 21st August 1830.

⁹¹ MA RA431. Letter from W. Staveley to J. Finniss, 9th September 1830.

⁹² MA JB266. Trial of Rughobursing. Evidence of Rughobursing, Court of First Instance, 11th August 1834.

However, he had no witnesses to substantiate his claims.

In a hierarchy where convict commanders were granted certain privileges, at times other convicts expressed deep resentment against them. The commander Goosail, for example, was placed in the hospital prison for his own protection after becoming the victim of 'premeditated persecution' by other convicts in the department.⁹³ Another convict, Ramdiall, a commander in the district of Savanne, was falsely accused by some convicts under his command of being in possession of stolen goods.⁹⁴

As for the commander Ghunna, he had been attacked once before by another convict. In 1834, Malagee Naragee was sentenced to one year's imprisonment for injuring him with a knife. Unfortunately, there are no records indicating Naragee's motives.⁹⁵ Ghunna died several weeks after Rughobursing's assault. Shortly before his death, he told the police he believed the assailant's motive was punishment by the commander in the Savanne camp, after working hours, earlier that week.⁹⁶ Rughobursing, however, claimed that he had sold Ghunna a piece of blue cloth, which the commander had refused to pay for, and that each time he had asked for his money, Ghunna threatened to complain to overseer Hewett and have his creditor put in the stocks. According to Rughobursing, it was this which had led to the attack.⁹⁷

Rughobursing's violence was at times put down to his 'violent temper'. Was he actually 'insane'? He had certainly been lucid enough to petition the Superintendent of Alipore jail for a commutation in 1828. His behaviour in Mauritius, although

⁹³ MA RA592. Letter from A. Montgomery to G.F. Dick, 23rd August 1839.

⁹⁴ MA Z2A29. Letter from overseer W. Hill to J.A. Lloyd, 2nd January 1840.

⁹⁵ MA JA52. Verdict of the Court of Assizes, 1st April 1834.

⁹⁶ MA JB266. Trial of Rughobursing. Police report: interview of Ghunna, 11th July 1834.

⁹⁷ MA JB266. Trial of Rughobursing. Evidence of Rughobursing, Court of First Instance, 11th August 1834.

perceived as 'strange and unaccountable' by the authorities in fact relates to his lived experience of transportation, in which he saw himself as a victim. His attacks on overseers Cormack and Hewett and convict commander Ghunna were attacks on those who daily exercised direct authority over him. Ghunna was attacked after administering a petty punishment on Rughobursing. Perhaps a similar incident had provoked Malagee Naragee. Rughobursing claimed, and may have believed, that Ghunna and Hewett had abused their authority.

Here, Rughobursing's allegations that Hewett extorted money on the false promise of promotion; that Hewett compounded his bad faith with subsequent maltreatment; and, that Ghunna bilked paying for the cloth, at least form a coherent pattern. The truth of these charges cannot now be determined but to assume the honesty of overseers and commanders contradicts other evidence and, indeed, beggars belief. Nevertheless, Looteah and Kalloah, fellow rank-and-file convicts, were also assaulted by Rughobursing. The meaning of these assaults, whatever it was (and there is no positive evidence here), cannot be the same as that of assaults on authority figures. Speculatively, Rughobursing may have resented authority the more, because he was accustomed to asserting it over his peers. On that supposition, his assaults on Looteah and Kalloah may have been an assertion of his own authority and not just over these two, as the lesson would tend to stick with the others.

During the trial, however, another overseer, Simon Goss, indicated his conviction that Rughobursing's actions had a quite different meaning. He believed that after Malagee Naragee was given a one year prison sentence for attacking Ghunna the previous year, the convicts generally believed that going to prison was less arduous than working on the roads. For him, this was the motive behind Rughobursing's violence:

we have some few more men that I believe was partly connected with the Plot and which have often said since Malagy has got clear for attempting murder on the 20th October last, and was allowed 12 months holy days in jail that they would have not the least hesitation of doing the same for that they would be much better off in jail drawing their full Rations, and having liberty to walk about all day in the yard, would be much better than working on the Road, this is generally understood amongst them and I really believe this was actually done by Rughebursing, with an idea of coming off the same as Malagy.⁹⁸

If Goss was right, then the implication is that Rughebursing was inviting a punishment, which he calculated would be milder than ordinary duty. Murder, however, faced the colonial order with too direct a challenge. Rughebursing was sentenced to death and publicly beheaded at Plaine Verte, on the outskirts of Port Louis. On the scaffold, he continued to proclaim his innocence and stated that he was about to be executed for Ghunna's crimes.⁹⁹ There could only be one loser in such extreme confrontations with the colonial state. Rughebursing's actions, if motivated as Goss supposed, was a serious miscalculation.

Suicide

The ultimate individual rejection of the convict system, resistance-in-the-last-instance, was the act of suicide. Although evidently significant in depriving the colonial state of a potentially productive body, psychologising the motives for suicide in an historical context is highly problematic. The only attempt to do so in the context of indentured Indian labour has been largely unsatisfactory. It has situated suicide within a 'matrix of learned helplessness', stating that it was a response to the feeling of powerlessness which indenture instilled.¹⁰⁰ Such a

⁹⁸ MA JB266. Trial of Rughebursing. Letter from overseer S. Goss to J.A. Lloyd, 13th July 1834.

⁹⁹ MA JB266. Trial of Rughebursing. Letter from H. Bury, Clerk of the Crown, & G. Leffray, Assistant Judge, to G.F. Dick, 29th October 1834.

¹⁰⁰ Surendra Bhana & Arvinkumar Bhana, 'An Exploration of the Psycho-Historical Circumstances Surrounding Suicide Among Indentured Indians, 1875-1911', in Surendra Bhana (ed.), *Essays on Indentured Indians in Natal* (Leeds, Ppal Tree: 1991), p.168.

supposition clearly fails to incorporate the various forms of resistance in which such labourers were engaged. What can be suggested with more certainty are comparative statistics on the incidence of suicide within various immigrant communities and colonial perspectives on the motives for particular suicides.

During the late nineteenth century, suicide rates amongst free Indians in Mauritius approached 0.5% p.a., a figure which rose eight fold to almost 4% amongst indentured immigrants.¹⁰¹ This comparison is extremely revealing of the pressures which indenture placed on workers. The suicide rate amongst Indian convicts in Mauritius was slightly lower than for indentured immigrants, with twenty-four recorded incidents, or a figure of approximately 2% of the total intake of convicts over the period 1815 to 1837.¹⁰² However, this figure is still four times higher than the suicide rate recorded amongst free Indians on the island during the later period.

Most of the convicts who committed suicide in Mauritius did so by hanging themselves, either from the beams of their huts or from trees. Indeed, it has been argued that the choice of a tree may bear some relationship to religiously sanctioned suicide for Hindus under special conditions.¹⁰³ When a suicide victim was found, if there was any sign of life in the body at all, it was cut down and attempts made at resuscitation. If it was found cold and lifeless, however, the body remained suspended until an inquest could be conducted. The Procureur Général was usually contacted for this purpose.¹⁰⁴ As in Britain, it was an offence to commit suicide. Thus if a convict suicide was revived he could face prosecution. However, this never happened. Three convicts were detained in the police prisons after they attempted suicide in November 1832. However, they did not face any charges and

¹⁰¹ Bhana & Bhana, 'An Exploration', p.157.

¹⁰² Compiled from data in the MA JI and MA Z2D series.

¹⁰³ Bhana & Bhana, 'An Exploration', p.157.

¹⁰⁴ MA RA1125. Letter from S. Wilson to C.J. Bayley, 7th November 1851.

were later released.¹⁰⁵ Similarly, Tuya was imprisoned after he attempted to commit suicide in 1842. The Procureur Général again took no action on the case.¹⁰⁶ These discretionary responses suggest the operation of informal practices which overrode the formal criminal law of suicide.

The first recorded convict suicide occurred in February 1818. A convict was found hanged from a tree on the Moka Road.¹⁰⁷ In May 1818, the convict Bancharam, who had arrived in January of that year on board the *Friendship*, was found floating in the sea at Pointe aux Sables, just downstream from the Grand River depot. He has the dubious distinction of being the only convict who committed suicide in a manner other than by hanging.¹⁰⁸ On November 17th 1818, the convict Turee Koollah was discovered by a slave, Figaro, hanged from a tree on the property of Figaro's mistress, Mme Rousselin, in Pamplemousses. Turee Koollah had absented himself from his working party in Ville Bague on November 5th, and presumably killed himself shortly afterwards, as his body was found in an advanced state of decomposition.¹⁰⁹

Munsook was found hanged on the morning of February 17th 1819, in the district of Grand Port. His body was still warm.¹¹⁰ Muddaree hanged himself at Grand River later that year.¹¹¹ In 1824, whilst his working party was marching from Plaines Wilhems to Grand River, Purshodoe disappeared into the woods and hanged himself.¹¹² Akaloo's decomposed body was found hanged on the property of Mr

¹⁰⁵ MA RA506. Police report, 8-9th August 1833.

¹⁰⁶ MA Z2A163. Letter from J. Finniss to G.F. Dick, 15th April 1842.

¹⁰⁷ MA Z2A14. Letter from A.B. Ducoudray, Civil Commissioner of Police Moka, to J. Finniss, 14th February 1818.

¹⁰⁸ MA Z2A13. Letter from F. Rossi to Marshall & Journal, Joint Civil Commissioners of Police, 11th May 1818.

¹⁰⁹ MA RA144. Letter from F. Rossi to G.A. Barry, 17th November 1818, enclosing a police report, 12th November 1818.

¹¹⁰ MA RA125. Letter from F. Rossi to G.A. Barry, 22nd February 1819, enclosing a letter from B. Mason to F. Rossi, 17th February 1819.

¹¹¹ MA RA130. Letter from F. Rossi to G.A. Barry, 2nd June 1819.

¹¹² MA RA256. Letter from W. Staveley to G.A. Barry, 7th April 1824.

J.B. Rivière, near the Reduit Bridge in Plaines Wilhems, in September 1827.¹¹³ Raux Loutchoua, who had been working on the Gros Ruissaux Bridge in the district of Savanne, was found hanged from a beam in his hut the following year.¹¹⁴ In 1831, Bellou Shalisa of the Port Louis street party was found hanged from a tree at Trou Fanfaron in the town.¹¹⁵ Another convict, Bulloo Kulla, committed suicide later in 1841 by hanging himself from a *filaos* tree in the hospital yard.¹¹⁶ Mahummud Ali also committed suicide in 1844.¹¹⁷

Suicide was a drastic response to the experience of transportation. Convicts were removed from their homes, communities and families and subjected to the physical demands of coerced hard labour. Some convicts may have perceived suicide as the only option to end an unbearable life. Officials, however, sometimes made other interpretations for such action, some related to the age or health of the convict. Sulka absented himself from the hospital and was found hanged from a tree a quarter of a mile away. Aged seventy, his suicide was attributed to the fact that he had been receiving hospital treatment.¹¹⁸ Similarly Chand Con was found by the convict Mawashee, hanged on the Bel Ombre road. His suicide was attributed to his illness over the previous week.¹¹⁹ Another convict, Sheikdar Sirdar, was found hanged in the Civil Hospital yard, two days after being admitted as a patient.¹²⁰

¹¹³ MA HA107. Police report, Plaines Wilhems, 18th September 1827 (also reproduced in MA Z2A14).

¹¹⁴ MA Z2A45/46. Letter from G. Ducray, Civil Commissioner of Police Savanne, to J. Finniss, 31st December 1828 and police report, Savanne, 31st December 1828.

¹¹⁵ MA Z2A65. Letter from J.A. Lloyd to J. Finniss, 21st July 1831.

¹¹⁶ MA Z2A143. Letter from J. Finniss to Prosper d'Epinay, 23rd June 1841.

¹¹⁷ MA RA769. Letter from J.A. Lloyd to J. Finniss, 23rd October 1844.

¹¹⁸ MA RA226. Letter from F. Rossi to G.A. Barry, 16th June 1823, enclosing a police report, 15th June 1823.

¹¹⁹ MA RA234. Letter from W. Staveley to G.A. Barry, 17th November 1823, enclosing a police report, 13th November 1823.

¹²⁰ MA RA507. Letter from A. Montgomery to the Officer on Duty, Police Office Port Louis, 28th November 1833.

Rubbooah, a convict invalid, was found hanged in his hut at Grand River in April 1833. His right arm was said to have been paralysed and, after fifteen years of 'regular conduct', his death was attributed to his being 'fatigué de la vie'.¹²¹ These four cases reveal a great deal about convict working conditions. Where malingering was so often suspected and sometimes practised, genuinely sick convicts could face punishment for their inability to work. Others may have felt shamed to a degree, by physical inadequacy, too painful to contemplate. Convicts may also have felt alienated from the western medical practices used to treat their illnesses.

In August 1823, the herdsman Jean Louis informed William Clover that he had seen a convict hanging from a tree near Grand River. In the subsequent police report, Clover stated that the convict, Topar Jaut, had never been punished or threatened but 'had shewn much reluctance' to join his working party at Plaines Wilhems when ordered to do so:

He makes ansur and says sir I wold sooner dye than live for I am an old man not able to work and he laid down his things and went whear I now not and on cauling the role on the eveing I found him absent and not gon to his command acording to order, on the eveing of the 2nd about 2 oclock I was informed by a slave in the name of John Lue as he was takeing care of cattle that he was a convict hanging on a Benwane Tree I immediately took the slave with me and found him hanging as he informed me.¹²²

Topar Jaut had made a previous suicide attempt whilst at Rivière du Rempart six or seven months previously. His inability to work ('I would sooner dye than live for I am an old man not able to work') was not seen as an adequate motive for the suicide and his behaviour was deemed incomprehensible. Rather predictably, he was characterised as 'perhaps a little Insane'.¹²³

¹²¹ MA JI12. Post-mortem of Renbella, 18th April 1833.

¹²² MA RA229. Letter from F. Rossi to G.A. Barry, 3rd August 1823, enclosing a letter from W. Clover to F. Rossi, 2nd August 1823 and police report, 3rd August 1823.

¹²³ MA RA229. Letter from F. Rossi to G.A. Barry, 3rd August 1823.

Concerning this case, the police questioned the convict commander at the hospital, Dolot Natigay. He stated that Topar Jaut had been sent to the hospital as an invalid and had told him that he had been given a doctor's certificate exempting him from hard labour. However, Topar Jaut claimed that he had been sent back to stone breaking and later reported that he had not received any clothes or adequate rations. Dolot Natigay added that this convict frequently ate opium paste, he supposed to raise his spirits ('monter son esprit'). The hospital surgeon, Alex Montgomery, corroborated this. The deceased had been in hospital on several occasions: 'his health was so much impaired, that I considered it necessary to recommend that he might be borne as a Convalescent, which exempted him from the more arduous duties of the Convicts'. Topar Jaut had last been admitted to the hospital with bowel pains, which the doctor suspected was due to constipation from eating opium. Indeed, a piece was found wrapped in his *dhoti* after his death. Montgomery added that Topar Jaut was 'of a dissatisfied and unhappy temper'.¹²⁴

The Surveyor General denied ever receiving a written recommendation that Topar Jaut be invalidated. He added that the convicts 'have a free ingress and egress into the [hospital] yard, which appears incompatible with their proper treatment either as sick men or as Convicts'. The remedy, he suggested, was confinement in the ward. If the ward were insufficiently secure, it should be made so.¹²⁵ Despite this official shrugging off of responsibility, however, Topar Jaut's suicide was more plausibly the result of his working conditions rather than a lack of hospital security. He had been made to perform heavy work despite his advanced age and poor health. For such a man, suicide was probably preferable to the prospect of being worked to death.

¹²⁴ MA RA507. Police report, 28th November 1833

¹²⁵ MA RA507. Letter from J.A. Lloyd to G.F. Dick, 3rd December 1833.

Ascriptions of the motives for suicide correlate to the colonial characterisation of *sharam* as highly significant within Indian culture. Thus suicide was seen as a way to defend *izzat*. Similarly, motives for suicide were also sometimes expressed in the language of 'sexual jealousy'. Indeed, doubts about a woman's fidelity, or lack of *patrivrata* to her husband may have led to his *sharam* before the whole community.¹²⁶ This was exacerbated in Mauritius by the extremely imbalanced sex ratio. Indeed, in 1841, there were just 512 Indian women on the island, compared to 17,878 Indian men.¹²⁷ In this context, suicide may have been the only way in which an individual believed that his *izzat* could be defended.

Several convict suicides appear to have been motivated by *izzat*. For example, Mattadon, a commander at Grand Port, hanged himself in November 1819 after another convict brought a complaint against him. The nature of the complaint 'induced the Overseer to take away the Cane from the said commander and to tell him his conduct should be reported'.¹²⁸ Loss of the cane removed the symbol of this commander's authority over other convicts. Another commander, Lumphrah Baugdee, hanged himself on August 15th 1821. His overseer saw this as 'in consequence of a punishment he had received for having absented himself on that day from the huts'.¹²⁹

At about 9.30pm on December 19th 1823, Jetah Ghazee, a convict attached to the working party in Pamplemousses, hung himself from a tree with a piece of cloth. The body showed no punishment scars. Overseer Blackburn said that earlier that day he had seen the convict in conversation with a convict commander named Hera. Another convict, Beckwar, told Blackburn that Jetah had hung himself after fighting

¹²⁶ See Mandelbaum, *Women's Seclusion and Men's Honor*.

¹²⁷ Marina Carter, *Lakshmi's Legacy: The Testimonies of Indian Women in 19th Century Mauritius* (Mauritius, Editions de l'Océan Indien: 1994), p.62.

¹²⁸ MA RA142. Letter from F. Rossi to G.A. Barry, 29th November 1819.

¹²⁹ MA RA182. Letter from F. Rossi to G.A. Barry, 16th August 1821.

with and striking the commander, who he said had stolen some money. Hera denied having ever stolen money from anyone, adding that Beckwar had previously accused him of robbery, an accusation which the overseer had later found to be false.¹³⁰ If the commander had abused his authority, the suicide was integrally bound up with the effect of convict hierarchies. Indeed, it is likely enough that the commander had either stolen or extorted money from Jetah, leaving him with nothing. Hera may also have been a man of high caste, making Jetah's assault culturally unacceptable. In this instance, for one reason or another, suicide may have been the culturally appropriate response.

Later in 1822, Lalee hanged himself in a convict hut at Grand River. He was discovered and taken down by two other convicts, but attempts to revive him were futile. Sergeant Clover reported that a few days previously, the convict Loosen had stolen some money. Before he was discovered, he had given part of the money to various convicts, including Lalee. Clover believed that either his belief that he would be punished or his shame had driven him to suicide.¹³¹ Similarly, Bhou Sing, who had been confined to the Civil Hospital at Grand River as part of the gang who robbed Captain Rossi's house, also hanged himself from the iron bars on a window there.¹³² Later in 1835, Narcou, who had been detained in the Civil Prisons awaiting trial before the Court of Assizes, attempted to kill himself.¹³³ In these two cases, the convicts had much to fear. There was a strong possibility that they would be severely punished. Suicide may have seemed preferable, including from the perspective of personal honour, than the anticipated punishments.

¹³⁰ MA RA235. Letter from F. Rossi to G.A. Barry, 21st December 1823, enclosing a police report, 20th December 1823.

¹³¹ MA RA197. Letter from F. Rossi to G.A. Barry, 10th January 1822, enclosing a police report, 9th January 1822.

¹³² MA RA170. Letter from F. Rossi to G.A. Barry, 14th February 1820, enclosing a police report, 13th February 1820.

¹³³ MA Z2A76. Police report, 18-19th March 1835.

In September 1837, overseer Hewett reported the suicide of a convict stone cutter named Dadjee Raghoojee. Dadjee had reported himself sick early that morning, telling Hewett that he had a headache. As the doctor was not present and the man did not appear dangerously ill, he was told to stay in his hut until the doctor came back. Hewett saw him again at 10am, when Dadjee Raghoojee said that he felt better. Another convict Oma Echagee, added that he had drunk some milk and sugar before the departure of the working party that morning. When the party returned to the camp, Oma found Dadjee Raghoojee hanged in his hut with a coconut fibre cord. Hewett was immediately informed. The overseer touched the body, felt a little warmth, took it down from the beam assisted by convict commanders Bya Chundall, Baja Duanth and Bankea Mahommed and attempted resuscitation, without success.

According to Hewett, Dadjee Raghoojee had never argued with the other convicts and he had never seen him drinking. The convicts added that he had not spoken of killing himself. The Commissioners wanted to know whether he had ever argued with his wife 'pour cause de jalousie'. The convicts replied that he had a wife who sometimes visited him, but they had never seen them arguing. The woman had not appeared on the day of the suicide. The Civil Commissioners were left puzzled by the motives in this case, which is no more easily explicable today.¹³⁴

Convicts thus employed a variety of means, both collective and individual, to express their discontent with the economic imperatives of the convict system. At the same time, the convicts' actions exposed the disjuncture between its rhetoric and practices. The convicts were not transformed into docile labouring bodies, but became active agents in the web of power relations. The ultimate mantle of power within this dialectic between discourse, practice and effect was obviously held by

¹³⁴ MA RA567. Letter from R. Sherlock to G.F. Dick, 20th September 1837, enclosing a police report, 20th September 1837.

those in positions of authority. However, to perceive colonial officials as all-powerful, renders colonial subjects entirely powerless. In the instance of transported Indian convicts in Mauritius, this is evidently erroneous, as an analysis of convict marronage will further illustrate.

CHAPTER SEVEN

'NOTED SCOUNDRELS' AND 'DETERMINED VILLAINS':¹

CONVICT MAROONS

¹ MA RA1068. Letter from W.H. Rawstone to C.J. Bayley, 19th July 1850 and MA Z2A88. Letter from G.M. Elliott to J. Finnis, n.d. (1820).

As a result of the legacy of slavery in Mauritius and the continuing pre-eminence of the French language there, the desertion or absconding of convicts was usually described using the language of 'marronage'.² Just as slave maroons were perceived to pose a serious threat to the colonial order,³ convict maroons were viewed with anxious colonial eyes. Given the lax surveillance over the convicts, it was not difficult for them to go maroon. On the other hand, they required compelling reasons to do so: as maroons they lost their ration allowances and were effectively forced into hiding. Marronage was a rejection of the labour demands of the convict system. At the same time, however, it held out a similar lure as for slaves in Mauritius and slaves and transported convicts elsewhere. It gave an enhanced opportunity to interact with other social groups on the island. Convict maroons were also able participate in the Mauritian economy through engaging in petty theft and trafficking in stolen goods. In these ways, convict maroons embodied the breach between colonial rhetoric and colonial practices in a most explicit manner. Absconding was facilitated by the general ineffectuality of colonial surveillance mechanisms and demonstrated independence from colonial control.

The motives of convict maroons in Mauritius were similar to those of bushrangers in the Australias.⁴ The incidence of convict desertion there was clearly a product of a breakdown in management strategies.⁵ There were also 'pro-active elements to the convicts' motivations', however.⁶ Similar explanations have been offered for the

² This usage was unlike 'marronage' as understood in the West Indies and Spanish America. Maroons there were able to establish villages in inaccessible locations and then reproduce their communities, materially, socially and biologically, over time. While it is clear that Mauritian maroons (whether slave or convict) formed camps in the mountains and woods, these appear to have been short-lived. The size of the island and rapid clearing of land for cane cultivation in the 1820s and 1830s must have made life very difficult for maroons in such temporary hideaways.

³ See Richard B. Allen, 'Marronage & the Maintenance of Public Order in Mauritius, 1721-1835', *Slavery & Abolition*, 4, 3 (April 1993), pp.214-31.

⁴ See Byrne, *Criminal Law*; Maxwell-Stewart, 'The Bushrangers'; and, Walsh, 'The Birth of Bushranging'.

⁵ Maxwell-Stewart, 'The Bushrangers'.

⁶ This included the lure of the illegal trade in kangaroo meat in the early economy of Van Diemen's Land. See Walsh, 'The Birth of Bushranging', p.4.

incidence of slave marronage in Mauritius. Slaves were impelled by a desire for freedom and to avoid harsh living and working conditions.⁷ At the same time, they were not only attempting to escape from their masters, but also running towards relatives and friends or simply pursuing sexual adventure. Pilfering and other forms of theft helped sustain a vigorous economy, with slaves selling their rations and other stolen goods: 'The implicit message was always that slaves enjoyed a range of personal contact stretching beyond the boundaries of those who actually owned them'.⁸ The same pattern emerged in the West Indies. Slaves there absented themselves for a few days at a time in order to visit family or friends. Others ran away for much longer periods, with the intention of escaping from slavery permanently. Indeed, there were established maroon communities in Jamaica dating from the period of Spanish occupation.⁹

Convict marronage created enclaves of social space, reinscribed with convict freedom at the expense of colonial power. Hence it was constructed as a serious social threat by colonial officials. The absconding Australian convict disappeared into what the British feared most: the vast, unexplored and, most importantly, unknown bush.¹⁰ In Mauritius, it was feared that Indian convict maroons would take advantage of their 'natural affinity' with the *lascars* on board the trading ships which frequented Port Louis and return to India. Since convicts tried to escape to India through such contacts, and occasionally succeeded, the social alienation which transportation caused is revealed. Thus marronage posed both an ideological and

⁷ Allen, 'Marronage & the Maintenance of Public Order', p.227.

⁸ Barker, *Slavery and Antislavery*, pp.124, 126 & 129.

⁹ See Gad Heuman (ed.), *Out of the House of Bondage: Runaways, Resistance and Marronage in Africa and the New World* (London, Frank Cass: 1986) and B.W. Higman, *Slave Population and Economy in Jamaica, 1807-1834* (Cambridge, Cambridge University Press: 1976), pp.178-79.

¹⁰ It has been argued that the bushranging convict in New South Wales was essentially a social phenomenon, actually created by local perceptions and the interpretations of those in authority. The response to the perceived threat included innovations in policing methods which embraced the rival economies of informing and reward. This legitimised the activities of the bushranger and created a 'culture of bushranging', with bushranging created as 'a movement against the whole structure of society'. Byrne, *Criminal Law*, pp.129-39.

physical threat to the stability of the convict system;¹¹ so much so that, as has been shown, convict commanders were regularly employed to capture maroons.¹²

Patterns of marronage

Convicts deserted from the Grand River depot and from parties throughout the island. Given their open camps, this is hardly surprising. There are approximately 350 recorded instances of convict marronage in the period from their introduction in 1815 to the liberation of those still remaining in 1853.¹³ In raw figures, 20% of the total number of convicts transported to Mauritius was reported maroon at some time. Individual convicts frequently went maroon on more than one occasion, however. Once maroon, convicts remained absent for anything from several days to weeks, months or even years. Indeed, some were never captured. By August 1837, twenty-two were presumed to have escaped from the island.¹⁴ The sporadic colonial reports on convict marronage which survive never put the figure at over thirty deserters p.a., approximately 5% of the total number of convicts at any one time. The half-yearly statement of the Convict Department in May 1829 puts the number of convict maroons at thirteen, for example,¹⁵ a figure which had risen to twenty-six by August 1837.¹⁶

The rate of convict desertion in Mauritius was comparable to that of slaves and the indentured Indian immigrants who arrived on the island after 1834. Richard B. Allen estimates that between 1820 and 1826 the rate of slave marronage fluctuated between 9-14% per annum. Similarly, between 1835 and 1837, almost 8% of the

¹¹ Similarly, it has been argued in the American south: '[runaway slaves] remained a small portion of the total, but their significance far transcended their numbers'. Genovese, *Roll, Jordon, Roll*, p.598.

¹² See chapter three.

¹³ This figure has been compiled from reports made by convict overseers, the Superintendent of Convicts and the police from the MA RA and Z2A series. It may understate the extent of convict marronage.

¹⁴ MA RA567. Letter from W. Staveley to G.F. Dick, 1st August 1837.

¹⁵ MA RA411. Half-yearly Statement, Department of Roads & Bridges, 15th May 1829.

¹⁶ MA RA567. Letter from W. Staveley to G.F. Dick, 1st August 1837.

apprentice population went maroon.¹⁷ The Royal Commission of 1875 later reported that at any one time between 6-11% of indentured Indian immigrants were in a state of desertion.¹⁸

There are numerous examples of convicts going maroon, either individually or in small groups. Futick Gauzer went maroon just once, in his case on September 21st 1821.¹⁹ Convicts also sometimes deserted on more than one occasion and, in doing so, showed a remarkable degree of mobility. Roshun Mullick, who arrived in the colony on board the *Helen*, was the first convict recorded as a maroon. He absconded from the Grand River depot on April 3rd 1816 and, upon his capture, promptly deserted again at the end of June.²⁰ He was presumably captured again as he was one of fourteen convicts who went maroon from Grand River in May 1817, but was captured together with two others the next day.²¹ By 1821, he had been placed with a road gang in the central district of Moka, but he deserted again in September of that year, remaining at large for just four days before his capture in the district of Flacq.²² He appears to have been returned to the convict depot as he is recorded as having deserted again from Grand River at the beginning of 1822.²³ At this point, his marronage career came to an abrupt end.

In the same way that convicts who refused to work were characterised as insane, colonial officials sometimes medicalised the meaning of marronage. Francis Rossi wrote upon Roshun Mullick's first desertion in 1816:

¹⁷ Allen, 'Marronage & the Maintenance of Public Order', pp.219 & 229.

¹⁸ PP1875 XXXIV. Mauritius (Treatment of Immigrants): Report of the Royal Commissioners appointed to inquire into the Treatment of Immigrants in Mauritius, pp.329-30.

¹⁹ MA Z2A19/20. Police reports, 22nd September 1826.

²⁰ MA Z2A11. Police reports, 3rd April & 26th June 1816.

²¹ MA Z2A11. Police reports, 9th May 1817.

²² MA Z2A19/20. Police reports, 23rd September 1821.

²³ MA Z2A19. Police reports, 24th February 1822.

I herewith enclose a description of the man whom I understand is supposed at times to be a little insane from the circumstance of his having kept himself hidden for six days, and found in a tank of water.²⁴

Roshun Mullick had evidently disappeared from the department. However, his resort to a tank of water was probably not an attempt to hide, but an attempt to meditate, a relatively common South Asian practice. Yet when he went maroon again in 1821, it was still stated that he was 'labouring at times under mental derangements'.²⁵

Another convict, Jatee Barre, deserted no less than ten times between 1835 and 1840.²⁶ The convict Nizamkhan Khan also went maroon on October 13th 1838 from Plaine des Roches, taking overseer Symond's £3 pay with him.²⁷ He had already gone maroon in September 1836, and was to do so again in September 1840.²⁸ Another convict, Bowanyising, first went maroon on March 14th 1850.²⁹ He was recaptured and absconded again on July 11th.³⁰ Later that month a gang of ten Indians beat two convicts in charge of some government property at the Ten Mile Post in Plaines Wilhems, robbing them of all their possessions, including 'the cloathes on their body'. The police concluded that the crime had been committed by the convict Bowanyising, as the night before the robbery he had visited the convicts' hut and 'extorted from one of them that he had a trifle of money about his person'. He was, it was said, 'a noted scoundrel and one that deserves the most severe punishment'.³¹ The police were initially unsuccessful in their attempts to capture him. Suspecting him to be 'lurking about in some secluded part of the country', two

²⁴ MA Z2A8. Letter from F. Rossi to E.A. Draper, 4th April 1816.

²⁵ MA Z2A20. Letter from F. Rossi to E. Byam, Chief of Police, 24th September 1821.

²⁶ MA Z2A83/93/95/100/113/127/137. Police reports (1835-40).

²⁷ MA Z2A113. Letter from J.A. Lloyd to J. Finnis, 15th October 1838.

²⁸ MA Z2A100/137. Police reports, 30th September 1836 & 5th September 1840.

²⁹ MA Z2A222. Circular to District Police, 16th March 1850.

³⁰ MA Z2A222. Police Report, 12th July 1850.

³¹ MA RA1068. Letter from W.H. Rawstone to C.J. Bayley, 19th July 1850.

convicts and a commander were successfully sent to capture him and he was placed in the civil prison.³² Once released, he went maroon again from the district of Rivière du Rempart in November 1851.³³ There is no evidence that he was ever recaptured.

Even according to surviving records, the 1830s saw an explosion in convict marronage. This period, of course, coincided with the introduction of transportation from the Bombay Presidency. The rise in convict desertion, however, appears to have related to two separate but connected factors. The Bombay convicts were not marked with *godena* on the forehead, unlike almost half of those from Calcutta. This meant, as William Staveley wrote in 1831, that they were able to 'mix with the Inhabitants of the Malabar Towns without being discovered, and this facilitates their escape'.³⁴ Because of the increasing numbers of indentured Indian immigrants in the colony, convict maroons were able to elude capture by blending in with the general Indian population. By 1833, the Colonial Secretary noted an 'apparent spirit of desertion which exists among the Indian Convicts', and called for all possible measures to be taken to arrest reported maroons.³⁵

After four convicts escaped in 1833 from the Port Louis street party, the Civil Engineer, J.A. Lloyd, wrote that he suspected that they were in the vicinity of Montagne Longue or amongst the *lascars* in Malabar Town.³⁶ John Finniss later added:

³² MA RA1118. Letter from W.H. Rawstone to C.J. Bayley, 17th January 1851. 'Malabar towns' refers to Indian settlements.

³³ MA Z2A222. Circular to District Police, 20th November 1851.

³⁴ MA Z2A62. Letter from W. Staveley to J. Finniss, 13th April 1831.

³⁵ MA Z2A72. Letter from G.F. Dick to J. Finniss, 30th October 1833.

³⁶ MA Z2A72. Letter from J.A. Lloyd to G.F. Dick, 12th April 1833.

whilst there are so many of the Indian Labourers in a state of vagabondage in the Colony it is not difficult for Convicts and Lascar deserters to escape detection for some time unless the former are recognised by their own overseer or commander.³⁷

The fear that *Indian* convicts were being hidden by *Indian* labourers was the issue here. Although the (unfree) convicts were clearly differentiated from other Indians, indentured or free, the possibility that differences in status could be overcome through a natural 'racial' affinity and escaped convicts would be harboured by immigrant labourers was presented as an essentially *Indian* conspiracy. Moreover, the role of the 'native expert' in the form of the convict commander again appears.

With the rapid growth in the Indian population, in some instances convicts were able to pass themselves off as indentured immigrants. At the end of 1836, the convict Antonio was arrested in Palma 'as a free man'.³⁸ He was reported maroon again in April 1841 and, by August 1837, it was supposed that he had escaped from the island. However, he was recaptured in June 1842, only to go maroon yet again.³⁹ At this time, he was under punishment of heavy irons for his previous escapes.⁴⁰ Almost ten years later, in 1851, he was discovered quite by chance in the immigration depot with an immigrant ticket bearing the name Ramasamy.⁴¹ In April 1852, another maroon convict, arrested on the property of Mr Ravallon in the district of Plaines Wilhems, claimed that he had been employed there for the past nine years, which Ravallon confirmed. It appears that he had been ignorant of the fact that his employee was a convict.⁴²

³⁷ MA RA508. Letter from J. Finniss to G.F. Dick, 20th April 1833.

³⁸ MA Z2A99. Letter from Civil Commissioner of Plaines Wilhems to J. Finniss, 8th December 1836.

³⁹ MA RA836/1118. Police reports, 13th June 1842.

⁴⁰ MA RA1118. Letter from W.A. Rawstone to C.J. Bayley, 20th May 1851.

⁴¹ MA RA1118. Letter from W.A. Rawstone to C.J. Bayley, 10th May 1851.

⁴² MA Z2A236. Letter from Civil Commissary of Plaines Wilhems to A. Wilson, Acting Inspector General of Police, 13th April 1852.

Motives for marronage

Although the motives for convict desertion often remain unrecorded, marronage suggests opposition to the labour demands of the convict system or to specific acts of ill-treatment, as in Antonio's case. Repeated marronage, however, suggests something further: a desire for complete socio-economic independence from the system. Attempts to escape back to India also suggest desires to return to lost social networks.

In one of the first recorded cases of marronage, in July 1816, a convict deserted for several days after he was told by one of his guards that all the convicts were to be sold as slaves.⁴³ Marronage, however, was sometimes a reaction to the long-term imperatives, rather than aberrations, of convict management. At their trial before the Court of Assizes in 1820, where they were found guilty of several offences of highway robbery and murder whilst in a state of marronage, the convicts Nacta Badensing and Kalloo Fakhir Mahomed gave their reasons for absconding from Grand River. Nacta went maroon after his overseers attempted to make him work after 3pm. Kalloo deserted following being worked after 6pm and, on several occasions, having been woken at two o'clock in the morning.⁴⁴ These men had a clear sense of the limits to the labour demands that could properly be made upon them and were not prepared to allow them to be transgressed.

Punishments seen as excessive or unjust could precipitate marronage. In 1827, the convict maroon Pirhally was interviewed. He declared that he went maroon after he was given permission to leave his camp for a week, returned late and was given twelve lashes as punishment.⁴⁵ Hurdyal was said to have gone maroon after being

⁴³ MA Z2A9. Letter from overseer R. Jenkins to G.A. Barry, 9th July 1816.

⁴⁴ MA JB135. Trial of Kalloo & Nacta. Evidence of the Court of First Instance, 15th September 1820.

⁴⁵ MA JB183. Statement of M. Romefois, Acting Commissioner of Police, 7th January 1827.

put in the block, 'having disobeyed orders relative to a bad woman he has constantly in his camp'.⁴⁶ Such punishments were clearly not acceptable to these men. In 1836, eight other Bombay convicts absented themselves from the Grand River depot on the evening of April 17th. Their overseer ascribed this to his having selected them for incarceration in the prison at night.⁴⁷ In 1841, the convicts Baboo and Dudy were accused of burgling Gazir Gobine, a servant of a Mr Griffiths. They absconded shortly afterwards, probably to evade the inevitability and shame of punishment.⁴⁸

Although convicts usually went maroon singly, group marronage requires scrutiny. In some of these cases, the convicts used the opportunity to maintain personal ties. Members of such parties had often been transported to Mauritius on board the same ship, and had sometimes been convicted together in India. Shawm Kower and Noyam Roy had both arrived in the colony on the *Lady Barlow* and absconded from Grand River together on June 26th 1816.⁴⁹ Three other convicts, Bharut Bagdee, Doorga Moochee and Sadoo Bagdee, who had arrived on the *Union* also went maroon together in August 1817.⁵⁰ Of another eleven convicts who deserted from Grand River in August 1816, one group of two and another of three convicts had been convicted together.⁵¹ Three of another five convicts who absconded from the depot in October of the following year had also been transported from India after being convicted together for the same offence.⁵²

⁴⁶ MA Z2A113. Letter from J.A. Lloyd to J. Finniss, 4th December 1838.

⁴⁷ MA Z2A96. Letter from overseer R. Sherlock to J.A. Lloyd, 18th April 1836.

⁴⁸ MA Z2A163. Letter from J. Finniss to G.F. Dick, 20th December 1841.

⁴⁹ MA Z2A8. Letter from G.A. Barry, Assistant General Superintendent of the Convict Department, to E.A. Draper & J.M.M. Virieux, Joint Chiefs of Police, 27th June 1816.

⁵⁰ MA Z2A12. Letter from R. Jenkins, Assistant Convict Department, to G.A. Barry, 4th August 1817.

⁵¹ MA Z2A9. Letter from G.A. Barry to E.A. Draper & J.M.M. Virieux, 22nd August 1816.

⁵² MA RA97. Letter from F. Rossi to E.A. Draper & J.M.M. Virieux, 13th October 1817.

Activities of maroon convicts

Convict maroons retained contact with those remaining in their camps, who were sometimes willing to provide food or other support. Kalloo and Nacta, for example, attempted to communicate with convicts at both Grand River and in the country districts in 1820.⁵³ Another convict, a Post Office courier, was stopped and asked for money by five convict deserters on the Black River road. The Acting Surveyor General wrote that 'if these men are not quickly apprehended some crime will be committed as they are a most determined set of villains'.⁵⁴ In placing marronage within the discourse on convict 'character', colonial officials absolved themselves of responsibility for the causes of convict desertion.

Some convict maroons clearly faced hardship. Upon his capture, Pirhally stated that he had been maroon for about twenty days and during this period went into the wood on the Damain establishment where he partly subsisted on fruits. He had taken just four piastres and three marquees with him on deserting. On occasion, he visited Mme Damain's cantine, to buy salt fish, manioc and arrack.⁵⁵ Although convict maroons like Pirhally no doubt at times faced difficulties, there is a great deal of evidence that other maroons stole beyond their immediate consumption needs. Like convict thieves, maroons wished to gratify their desire for money and petty luxuries. Convict maroons also aspired to a masterless lifestyle, in which a degree of conspicuous consumption would feature. This expressed the truly liberational dimension of convict marronage.

In August 1827, the Civil Commissioner of Black River wrote that three convicts who had not been heard of since they had deserted in the month of March, had

⁵³ MA RA151. Letter from F. Rossi to G.A. Barry, September 11th 1820.

⁵⁴ MA Z2A88. Letter from G.M. Elliott to J. Finniss, n.d. (1820).

⁵⁵ MA JB183. Letter from Romefois, Acting Commissary of Police, to Prosper d'Epinay, 7th January 1827, enclosing the declaration of the convict Pirhally.

'excited the slaves into robbery'. These men passed as legitimate purchases, goods (such as poultry, sugar and manioc) stolen from the slave guardians on the sugar estates.⁵⁶ Other convict deserters also stole and trafficked stolen goods. The convict maroon Narsou was accused of burglary in September 1841.⁵⁷ Alapa was sentenced to five years' hard labour and expenses by the Court of Assizes in 1841 after robbing a shop belonging to Sr Ferdinand Adelson. Having been in a state of marronage for a month, he stole fifty pairs of slippers, a pair of silver rings and twenty-five piastres in cash.⁵⁸

Perhaps the most revealing insight into a convict's marronage comes from examination of the activities of the maroon, Sheik Adam. He was eventually transported from Mauritius to Van Diemen's Land for committing the crimes of poisoning and robbery whilst in a state of desertion. His activities exhibit general features in common to those of other maroon convicts. He persistently evaded colonial control, mixed with the general population and participated in the illegal economy.

On April 3rd 1834, Sheik Adam was condemned to transportation to Mauritius for fourteen years. Unfortunately, his primary offence was not recorded on the ship indents, nor was it subsequently determined.⁵⁹ Initially attached to the Grand River depot, he soon joined the Mount Long working party. In March 1836, he deserted from this party, prudently taking his rations with him.⁶⁰ The motive was a

⁵⁶ MA Z2A40. Letter from Civil Commissioner of Police at Black River to G.A. Barry, 22nd August 1827.

⁵⁷ MA Z2A143. Letter from J. Finnis to O. Desmarais, 10th September 1841.

⁵⁸ MA JB315/JA72. Trial of Alapa. Statement of the Procureur Général and verdict of the Court of Assizes, 21st May & 25th June 1841.

⁵⁹ MA JB307. Trial of Sheik Adam & others. Statement of the convict Pittambor given to the Police Officer Sr Godré, 28th July 1840 and letter from J. Savage, Acting Surveyor General & Civil Engineer, to O. Desmarais, 25th August 1840. A Statement of Convicts Attached to the Surveyor General's Department at the Mauritius whose time expired the year 1841, 22nd April 1842, confirms that his sentence was fourteen years. (MA RA708).

⁶⁰ MA Z2A91. Letter from J. Whitty, overseer Mount Long, to J.A. Lloyd, 29th March 1836.

punishment administered by his overseer, for several petty crimes which, he asserted, had been wrongly attributed to him.⁶¹ He was maroon for about a month, until he returned to Grand River, to remain 'quiet' for another six months. However, he deserted again on December 7th 1837, from another working party, at Ville Bague.⁶² This time, upon recapture, he was put in chains and returned to Mount Long.⁶³ Indeed, when he next escaped, he was wearing a chain secured on his neck and leg, presumably intended to impede further escapes as well as to punish. It was assumed he had stolen a missing hammer, to break this chain. Sheik Adam remained at large for the next two months, and nothing was heard of him until a police guard was informed by overseer Thomas that he had been seen fishing in a canoe near Plaine des Roches.⁶⁴ This did not lead to his apprehension.

Just two days after this second desertion, a convict attached to the Post Office as a courier, Tulluck Chund, was murdered whilst on duty in the eastern district of Flacq.⁶⁵ Suspicion immediately fell upon Sheik Adam and a large reward of £20 was offered for his capture.⁶⁶ Meanwhile, the judicial procedure concerning the murder began. Another man implicated in the crime had been detained in the civil prisons, but judgement could not be concluded in Adam's absence.⁶⁷ As the date of the trial approached, Sheik Adam remained at large. The reward was raised to £50, a small fortune to any ordinary Mauritian. The Chief of Police wrongly assumed that he was being harboured in one of the convict camps.⁶⁸

Sheik Adam was eventually captured in June 1838, by the chief of the police

⁶¹ MA JB289. Trial of Alexis. Evidence of Sheik Adam, Court of First Instance, 11th June 1838.

⁶² MA Z2A104. Letter from J. Finniss to J.A. Lloyd, 18th January 1838.

⁶³ MA JB289. Trial of Alexis. Evidence of Sheik Adam, Court of First Instance, 11th June 1838.

⁶⁴ MA Z2A105. Letter from J. Finniss to J.A. Lloyd, 27th February 1837.

⁶⁵ MA RA567. Letter from A. Van Hilten to W. Staveley, 9th December 1837.

⁶⁶ MA Z2A106. Letter from J. Finniss to G.F. Dick, 29th January 1838.

⁶⁷ MA Z2A109. Letter from O. Desmarais to J. Finniss, 25th January 1838.

⁶⁸ MA Z2A110. Letter from J. Finniss to G.F. Dick, 9th May 1838.

detachment in Rivière du Rempart, Louis Ithier, who subsequently claimed the reward.⁶⁹ The wanted man was found living with a planter, M. Béchard, who had employed him as a servant. It was presumed that Béchard had been unaware of Sheik Adam's convict status, though it was lamented that planters 'ought to ascertain who persons really are before they take them into their service'.⁷⁰ The prisoner was subsequently transferred to the civil prison to prevent a further escape.⁷¹ However, there was not enough evidence to try him for the murder of the convict courier Tulluck Chund. Instead, a maroon apprentice, Alexis *alias* L'Amour René, was charged with stealing two pieces of cloth, money and a gold mohur which Tulluck Chund had worn as a necklace. At the trial, Sheik Adam and four other convicts claimed that Alexis had tried to sell him the mohur. Adam also declared, in the face of the defendant's denials, that he knew Alexis through selling him tobacco on several occasions.⁷²

In October 1838, shortly after the trial, Sheik Adam deserted once more.⁷³ Later that month, an overseer, A. Van Hilton, accused him of having threatened and then robbed him.⁷⁴ He was presumably recaptured and returned to his working party, for he deserted at the beginning of 1839 and was retaken but promptly re-escaped.⁷⁵ Arrested at the end of February, carrying a bundle of stolen linen,⁷⁶ he was not subsequently charged with any offence, and he was sent back to work, where he remained for just over a year. However, his marronage was not over. In June 1840 he deserted again, for the last time.⁷⁷

⁶⁹ MA Z2A106. Letter from J. Finniss to G.F. Dick, 22nd June 1838.

⁷⁰ MA Z2A108. Letters from J. Finniss to G.F. Dick, 30th May & 5th June 1838.

⁷¹ MA Z2A108. Letter from J. Finniss to G.F. Dick, 30th May 1838.

⁷² MA JB289. Trial of Alexis. Evidence of the Court of First Instance, 21st, 26th & 30th December 1837 & 12-13th January 1838 and statement of the Procureur Général, Court of Assizes, 27th June 1838. Unfortunately, no record of the Court's verdict survives.

⁷³ MA Z2A114. Letter from B. Avise, Civil Commissary of Police Grand Port, to J. Finniss, 11th October 1838.

⁷⁴ MA Z2A108. Letter from J. Finniss to G.F. Dick, 6th October 1838.

⁷⁵ MA HA107. Police reports, 16th January & 20th February 1839.

⁷⁶ MA Z2A108. Letter from J. Finniss to G.F. Dick, 26th February 1839.

⁷⁷ MA Z2A135. Police Report Moka, 28th June 1840.

During the months of June and July 1840, several remarkably similar cases of poisoning and robbery were reported to the police. In each case, various individuals stated that they had been given cakes laced with poison, and after falling ill, they had been robbed of all their valuables. The first such case took place on June 10th. On the preceding afternoon, a person whom the witnesses at first thought was Portuguese, together with four Indians, went to Zamor Catatum's hut in Trou aux Biches, a small village on the north coast. They asked for a light for their pipes, saying that they were on their way to Grand Bay to buy some fish.

The next day, the gang returned, now bringing some rice and a bottle of gin. Along with Zamor in the hut were Pedre and Alexis, two ex-apprentices. The five visitors cooked their rice there, and then offered their hosts some cakes and the gin. The gifts were accepted and consumed, but soon afterwards all three fell ill. Indeed, the next day at 2pm, a neighbour, the carpenter Lubin Germain, met Zamor on the beach, delirious and eating sand. Going to Zamor's hut, Germain found Pedre and Alexis, stark naked and apparently dead. He realised that a number of items had been stolen. This was later confirmed as including some linen, fourteen piastres in various currencies, several cooking pots and all of Zamor's chickens. Dr Poupinel treated the three victims. Zamor died a few days later, the others recovered. Drs Boucher and McCraw, who performed the autopsy on Zamor, noted that his stomach and intestines were irritated. They attributed his death to the effects of either cannabis or *datura stramonium*.⁷⁸

Pierre Louis, employed by Sr Jules Regnard, made a similar complaint to the police sometime later. He said that on June 17th he was on the Pamplémousses Road near Powder Mills in Flacq, when he saw an Indian and two young creoles sitting on a

⁷⁸ MA JB307. Trial of Sheik Adam & others. Evidence of the Court of First Instance, 3rd & 17th July & 6-7th August 1840 and Statement of the Procureur Général, Court of Assizes, 11th September 1840. *Datura stramonium* is commonly known as thorn apple.

tree trunk. He went and sat by them, placing down his bag while he went to buy some bread from the shop opposite. However, before he could do so, the Indian took a cake out of his handkerchief and offered it. Pierre Louis ate about three quarters of it, but was unable to finish it as it had a disagreeable taste. He remarked upon this and the Indian then offered him some wine which he drank. All four men then walked down the same road until Pierre Louis first fell ill, then unconscious. He could not recall what had happened next. Picked up near the Camp Yolloffs as a drunk, he awoke in police custody. The police knew nothing of his missing bag or of the Indian he had encountered. All his linen and two piastres had been stolen.⁷⁹

Laurence Jeannot and Jean Francois, both in the service of Mme Moulinié in Rivière du Rempart, had a similar story to tell. They stated that they were in a wagon on the way to Port Louis on July 6th when an Indian stopped them and asked for a lift. Jean Francois agreed and the man offered them some wine from a bottle he was holding. Laurence refused, but Jean Francois accepted. The man then offered them some bananas followed by some small cakes, which they both ate. Shortly afterwards, Jean Francois began to feel ill and had to ask the stranger to take the reins of the wagon. Laurence felt the same symptoms, but less violently, and as they arrived at Ville Bague, she took Jean Francois to a friend who lived there. In the meantime, she realised that the Indian man had taken off with the wagon and all their personal effects. He had told her friend that he was going to get help for Jean Francois, and was taking their things with him so that they would not get lost or stolen. He took all their jewellery and six piastres in cash.⁸⁰

Two apprentices belonging to Mme Goudreville, Marcelin and Theodore suffered

⁷⁹ MA JB312. Trial of Sheik Adam & others. Evidence of the Court of First Instance, 19th & 20th August 1840 and statement of the Procureur Général, Court of Assizes, 12th September 1840. Pierre Louis did not report the crime until after the arrest of Sheik Adam.

⁸⁰ MA JB307. Trial of Sheik Adam & others. Evidence of the Court of First Instance, 10th & 11th August 1840 and statement of the Procureur Général, Court of Assizes, 11th September 1840.

the same fate. Between them, they lost a watch, a hat, two pairs of shoes, a small bag containing rice, two bundles of linen and two rings. On July 17th, Theodore was walking from Port Louis to Flacq when a passer-by asked where he was going. Replying to Flacq, the man then said that he was going to Grand Bay and suggested their travelling part of the way together. They drank a bottle of wine together and continued on their way until they were joined by Marcelin. Arriving at a liquor shop, the Indian stranger suggested entering and drinking more wine. After some hesitation the apprentices agreed. At the stranger's suggestion, Marcelin even paid for the bottle. As the men continued on their way, the Indian took a cake from his pocket which he split in half and gave to the two others. Theodore wanted to keep his share for his child. The Indian immediately took another cake from his pocket and gave it to him, urging him to eat the half he had already been given and save the other for his child. In the meantime, Marcelin ate his helping.

Shortly afterwards, both men began to feel dizzy and their legs began to shake. As they went to drink some water from a stream near the road, they realised that the man had taken the opportunity to steal their belongings, and take off in a wagon without telling them where. They went back to the road, but there was no trace of him, their things or the wagon. Thinking he might have gone towards Pamplemousses, they ran in that direction for a while, asking everyone they met if they had seen him, but to no avail. Still feeling ill, they went back to the liquor shop, and by early evening had fallen into a state of collapse by the side of the road, where they remained in a great deal of pain until the next morning.

The instigators of these crimes were not found until by chance an Indian man named Ichian was found wearing shoes and a pair of blue cloth trousers which were recognised as belonging to Zamor Catatun. Ichian initially denied having been involved in any of the poisonings and robberies, stating that he had bought the

clothing in Port Louis. However, when he was presented to Pedre, who had been given the same cakes as Zamor, he was recognised as one of the five men who had come to Zamor's hut. Only then did Ichian admit the crime, but denied administering the poison, offering to help arrest the real culprit. On the orders of the Judge of the Court of First Instance, Henri Brunneau, he took the police to the Camp Malabar on July 18th where he pointed out a man he knew as either Sheik Abdoul or Adolphe. This man had just arrived from the Pamplémousses Road and was driving a wagon. He was immediately arrested, and the goods he had with him were seized. It was then realised that Sheik Abdoul *alias* Adolphe was in fact the convict deserter Sheik Adam and that the goods in his possession belonged to Theodore and Marcelin, whom he had robbed earlier that afternoon.⁸¹

After his arrest, Sheik Adam told the police that he had been a deserter for about a month. During this time he had roamed constantly between Port Louis and the country districts. The police then went to the place where Sheik Adam said that he had recently been residing, a hut rented under the name of Abdoul Cader from Rosalie Berger. Rosalie said he was originally with another Indian man who left after a quarrel. Upon further questioning, she revealed that Abdoul cooked his breakfast early in the morning and left for most of the day, stating that he was going to work. She did not think that he had a large number of possessions, but knew that he had some linen and a cockerel. Now she recognised Sheik Adam as the man she knew as Abdoul Cader and he admitted that he had rented the room.⁸²

When confronted and recognised by Pierre Louis, Sheik Adam confessed to his crime against him, naming two ex-apprentices, Désiré Tapage and Robert Cheri, as his accomplices. When presented to Laurence by the police, she recognised him

⁸¹ MA JB312. Trial of Sheik Adam & others. Statement of the Procureur Général, Court of Assizes, 12th September 1840.

⁸² MA JB307. Trial of Sheik Adam & others. Police reports, 18th & 20th July 1840.

and, in her anger, punched him in the face. Theodore and Marcelin also recognised him. He confessed that he had made cakes found in his possession. Their ingredients were wheat flower, sugar and the flowers of a plant which he had found on a plaine near Piton. He was taken to Fort William, where he said the plants could also be found in abundance. There, he pointed out a plant commonly known as 'devil's flowers', whose botanic name was *datura stramonium*. He also pointed out the tree *decas arbustes*, stating that he sometimes used the seeds of its fruit as well, to make poisoned cakes.⁸³ At the Court of Assizes he was found guilty of poisoning and robbery. He was subsequently sentenced to fourteen years' transportation and was embarked for Van Diemen's Land in 1842.

Evidently, in June and July 1840, it was a serious misfortune to fall into company with Sheik Adam. It is clear that he was engaged in systematic robbery beyond any imperative of sheer necessity, having hit on poisoning as a sure-fire device to render his victims helpless. If his ruthlessness renders him unsympathetic, it is also evident that he was the more dangerous because he well understood local customs of greeting strangers and sharing food and drink with them in a seemingly hospitable manner. His victims and indeed some of his accomplices were from Mauritian communities other than his own. Like many another Indian convict, he was evidently familiar enough with their creole French speech. Thus he was able to beguile his victims and plot with his accomplices. From his rented hut, he moved about the island freely and confidently. While his knowledge of the effects of an overdose of cannabis was probably brought from India, he had also gathered knowledge of Mauritian toxic plants. It seems unlikely that he intended anyone's death, for otherwise the death toll would surely have been higher than the unfortunate Zamor. A repeated maroon before his last outbreak, his career

⁸³ MA JB307. Trial of Sheik Adam & others. Statement of the Procureur Général, Court of Assizes, 12th September 1840.

graphically highlights the feebleness of not only Mauritian surveillance but also Mauritian carceral arrangements. One can imagine that the Mauritian authorities were finally much relieved to be shot of him to Van Diemen's Land, which had its own much harsher practices for dealing with recalcitrant prisoners, such as the closed regime penal station at Port Arthur, on the remote, difficult to escape from Tasmanian Peninsula.

Escapes from transportation

Maroon convicts were often suspected of attempting to escape from Mauritius. It was said that as a result of the 'unlawful communication' between convicts and *lascars* calling at Port Louis, convicts periodically had the opportunity of 'secreting themselves in these vessels and effecting thereby their escape to India'.⁸⁴ In other cases, convicts were said to have made for the neighbouring islands of Bourbon or Madagascar. There was clearly some truth to colonial suspicions. On the other hand, such suspicions were often unfounded, revealing more about colonial paranoia concerning Indian conspiracies than the real activities of maroon convicts.

When the Bombay convicts Malagee Naragee, Pundoo Vulud Cassee Naik Bhul, Moomja Luxeman, Sumboo Bhewa and Muckoo Meya absconded from Grand River in June 1827 William Staveley wrote that he believed they had gone to see some *lascars* in Malabar Town.⁸⁵ The convicts' irons were later discovered at Grandcour, about three miles away. No other trace of them was ever found.⁸⁶ The 'Portuguese' convict Joseph Gonsalay absconded from the Department later in September 1830. As he was a sailor, the Surveyor General ordered a strict search of Port Louis harbour.⁸⁷ He had not left the island, however, and was recaptured by two police

⁸⁴ MA RA507. Letter from J.A. Lloyd to G.F. Dick, 24th October 1833.

⁸⁵ MA Z2A36. Letter from W. Staveley to G.A. Barry, 18th June 1827.

⁸⁶ MA Z2A36. Letter from W. Staveley to G.A. Barry, 23rd June 1827.

⁸⁷ MA Z2A61. Letter from W. Staveley to J. Finnis, 22nd September 1830.

guards, only to abscond twice again before the end of the year.⁸⁸

In October 1833, the Surveyor General reported that fourteen convicts, mostly from Bombay, had deserted. He assumed that as none of the men had been arrested, they had all escaped from the island, adding that he had received reports that convicts kept up 'an unlawful communication' with the sailors and even officers on the trading ships from India. Unscrupulous masters of ships short of hands might take escaped convicts on board as crew and keep them concealed till out at sea. The convicts were thus given opportunities both to ship stolen goods abroad and to flee the island:

The mode of escape that these men have adopted is alike daring and disgraceful to those concerned. Apparently an agreement has been made while the vessels are in the harbour, through the Lascar Crew; a few hours or days before the vessel sails the Convicts abscond and go on board; the vessel is cleared by the Police without I believe any search being made and sails out of the harbour.

He called for the gendarmes to enforce better order in the country districts and a law to be passed against those who harboured maroon convicts in order to prevent what he described as the 'serious evil' of the present situation. Not only did this give the Indian Presidencies cause for complaint, he added, but it was creating 'discontent and unwillingness to work causing serious inconvenience to the colony'.⁸⁹ There is no way of saying whether his suspicions were warranted. The implication was clear, however. Marronage represented an extraordinary threat to the system of labour extraction. Beyond depriving the convict system of labour, it exposed the fragility of surveillance and control and exhibited a form of non-productivity which other convicts might seek to emulate.

Patta Soone went maroon on March 10th 1833. He had still not been captured by the

⁸⁸ MA Z2A61. Letters from W. Staveley to J. Finniss, 8th & 28th October 1830.

⁸⁹ MA RA507. Letter from J.A. Lloyd to G.F. Dick, 24th October 1833.

month of November, and so a reward for his capture was offered in the *Government Gazette*. It was said that he had escaped to India 'by connivance of the Lascars on board some Free Trader'.⁹⁰ When Merwangee Byrangee escaped from the Port Louis street party in 1834, it was immediately assumed that he would make an attempt to board a ship with the port *lascars*. There is no evidence that he ever did so.⁹¹ In 1833, however, four other convicts were returned from the neighbouring island of Bourbon on the *Amiable Creole*. They had been shipwrecked during an attempt to abscond there.⁹²

In 1835, a number of convict maroons attempted to steal a coasting vessel at Black River.⁹³ In the month of July 1835, the Surveyor General 'received information' that six other convicts from the Port Louis street party were about to abscond to Grand River to board a vessel to India. This information proved to be untrue, as there was no boat there, but Lloyd repeated his belief that they would steal one of the boats that carried lime and stones to Grand River and sail for Madagascar.⁹⁴ Six more convicts deserted from Powder Mills in October 1835. George Elliott wrote: 'There can be no doubt it is a settled plan for escape as a man from that command was seen at Grand River on Sunday'.⁹⁵ Another convict, Domingos Pereira, was discovered in the civil hospital under the name of Frederick de Casta. For reasons which were not made clear, he stated that he had escaped from Mauritius to Calcutta on board the *Virginia* and returned to the island on the same ship.⁹⁶ Perhaps he had been ostracised from his former Indian networks, leaving a return to Mauritius as the only real option left open to him. By 1837, out of a total of 783 convicts in Mauritius,

⁹⁰ MA RA507. Letter from J.A. Lloyd, to G.F. Dick, 25th November 1833 and PRO CO171.6. *Government Gazette*, 16th November 1833.

⁹¹ MA Z2A75. Letter from J. Finniss to J.A. Lloyd, 25th June 1834.

⁹² MA RA509. Letter from J. Finniss to G.F. Dick, 10th August 1833.

⁹³ MA Z2A83. Letter from J. Finniss to G.F. Dick, 15th November 1835.

⁹⁴ MA Z2A88. Letter from J.A. Lloyd to J. Finniss, 26th July 1835.

⁹⁵ MA Z2A88. Letter from G.M. Elliott to J. Finniss, 21st October 1835.

⁹⁶ MA RA567. Letter from R. Sherlock to J.A. Lloyd, 18th July 1837.

twenty-two were supposed to have escaped from the island.⁹⁷ Another convict, Baboosha Faqueer, absconded from the depot on May 23rd 1838. On that night, as overseer Sherlock explained:

there were several convicts in concert determined to attempt an escape by water on that night, as about eleven P.M. one of the fishermen of the village on returning from his occupation saw several people at his brother's Pirogue, and upon going towards it they all made away except one (Agajee) who having stumbled the fishermen secured and conducted to the police. Yesterday morning on examining the Pirogue there was found therein, three kegs of water, a quantity of provisions and several other articles necessary for a voyage; one of the kegs was identified by Chief Overseer Whitty as his (it being his cook who is absent) and another one is known to belong to one of the carpenters (Dhondee ben Balloo Nellah) a noted maroon.

He added that about three years before, Agajee attempted to escape from Grand Bay with ten other convicts, who were all apprehended before boarding ship.⁹⁸

In May 1847, two convicts, Balla bin Ramapa and Dulla, absconded whilst employed on the Tamarind Bridge.⁹⁹ Balla was later recaptured in Dharwar, Bombay Presidency. He claimed that he had not escaped but had been released by the Government of Mauritius which had liberated the convicts. This was clearly a clever fabrication, although it does show Balla's awareness of various events on the island:

⁹⁷ MA RA567. Monthly Report of Convicts Attached to the Surveyor General's Department, 1st August 1837.

⁹⁸ MA Z2A113. Letter from R. Sherlock to E. O'Brien, 25th May 1838.

⁹⁹ IOL P.404.36. Letter from G.F. Dick to J.G. Lumsden, Secretary to Government Bombay, 10th June 1848. BomC&J, 6th September 1848.

The Prisoner's story is that about 15 years ago he was transported for murder to the Mauritius ... That about 4 years ago the Mauritius Government as a condition in return for the emancipation of some slaves possessed in the Island by the French, gave freedom to all the convicts and he, among the rest obtained his release from Sir William Gomm the Governor - That after receiving his pardon he resided 3 or 4 years in the Mauritius, during which time he made a livelihood by dealing in grain &c. and that having subsequently become desirous to return to his native country he obtained permission to do so from Sir William Gomm and took a passage for which he paid 40 Rupees in a ship commanded by Captain Curest to Bombay where he landed 2 or 3 months ago, together with 3 convicts from the Bengal side named Ballajee, Ballaram, and Ramsami who accompanied him on his way to this part of the country as far as Panwell. He has no papers certifying his release and subsequent permission to return to this country and his whole story is so violently improbable that it requires no remarks.

A reward of fifty rupees was issued for distribution amongst the informers whose information led to his capture and the peons who apprehended him.¹⁰⁰ There is no evidence, however, that he was ever retransported to Mauritius.

Informing and rewards

Rewards were routinely offered for the capture of convict maroons. As with the use of convict commanders, this was another attempt to incorporate convicts within the system. The issuing of rewards and the use of informers was also common practice in attempts to capture escaped convicts in the Australian colonies.¹⁰¹ Indeed, the creation of such opportunities for subject populations had obvious implications for the manner in which marginalised groups were incorporated within forms of colonial authority. In Mauritius, it was common practice to dispatch convict commanders into the districts to search for maroon convicts. Rewards for their capture encouraged convicts to inform against their *camarades*, while also encompassing the

¹⁰⁰ IOL P.404.27. Letter from A.N. Shaw, Magistrate of Dharwar, to A.R. Grant, Second Assistant Magistrate, enclosing the Statement of the Prisoner, 23rd September 1847. BomC&J, 12th January 1848.

¹⁰¹ Byrne, *Criminal Law*, p.139.

general population in this system of rewarding informers.

After a convict went maroon, a circular was issued to the Civil Commissaries of the various districts calling for his arrest. In December 1831, the Chief Commissary of Police was authorised to pay the same sum to the captors of absent convicts found more than 500 yards from their respective quarters, camps or work, as was paid for the return of maroon slaves.¹⁰² After this date, the Police Générale also sent placards to be placed in the districts offering rewards for convict maroons.¹⁰³ Indeed, the four maroon convicts captured and sent back from the island of Bourbon in 1833 were about to attempt a further escape when their commander, Pittumber, discovered them and took them to the police. He was later given a substantial reward of £10.¹⁰⁴ In 1835, £1 sterling was offered as a reward for each of the six maroon convicts who attempted to steal a *peniche* (small fishing boat) at Black River and 100 notices were subsequently posted in the country districts.¹⁰⁵ Rewards were also offered for the capture of Sheik Adam during his various periods at large. The Chief of Police requested his description but, due to the incompleteness of departmental records, the Surveyor General was unable to provide one. Consequently, he was unable to issue printed warrants of arrest to be posted around the island.¹⁰⁶

Likewise, as the police searched for the convict maroon Kittoo Ramjee, the Chief of Police, John Finniss, recommended that a £20 reward be offered for his capture.¹⁰⁷ It was supposed that he was being harboured in Camp Benoit, which was situated near Grand River: 'the resort of thieves and vagabonds to which Indians are

¹⁰² MA RA429. Letter from W. Staveley to G.F. Dick, 21st December 1831.

¹⁰³ See, for example, MA RA83. Police Report Savanne, 9th November 1835.

¹⁰⁴ MA RA498. Letter from W. Staveley to G.F. Dick, 6th August 1833.

¹⁰⁵ MA Z2A85. Letter from J. Finniss to G.F. Dick, 4th November 1835.

¹⁰⁶ MA Z2A108. Letter from J. Finniss to G.F. Dick, 26th January 1838.

¹⁰⁷ MA RA825. Letter from J. Finniss to G.F. Dick, 22nd August 1845.

inveigled and are poisoned and plundered'.¹⁰⁸ The result of the police enquiry was that no one had been inveigled, poisoned or plundered, although in the course of their investigations they did find some stolen silverware in the possession of a woman named Radgoo who was cohabiting with the convict Dandoo there.¹⁰⁹ Kittoo Ramjee, was eventually arrested on September 9th after the convict Noulaki pointed him out to an Indian Sirdar named Itoo who worked on the Bassin establishment. He said:

I was coming into town, and near the Camp de Benoit, I met another Indian, a convict, who pointed out a Malabar to me, and said there is a reward for his apprehension, he is accused of assassination - I took hold of the man pointed out - He was standing, no person was in pursuit - I did not tell him why I seized him - He threw me down and got on me, took a knife out of his pocket, opened it with his teeth, and struck me with it on the right breast, and right temple - in all I received three blows, on the breast, temple, and arm near the breast - I called out for assistance, and some people came up, a man and a woman, and took the knife from this person ... we took him to the police.¹¹⁰

The ex-apprentices Bazile and Euphemie had come to his aid and helped take Ramjee to the police station. Itoo subsequently received a reward of £20, and the other three received £3 each, a measure which Finniss was 'satisfied will have a good effect on others'.¹¹¹

After being captured as a maroon in January 1835, the convict Sheik Hussein informed overseer Van Hilton that he had been accompanied by four other convicts when he deserted. He promised the Civil Commissioner of Police in the district of

¹⁰⁸ MA JB347. Trial of Kittoo Ramjee. Letter from J. Finniss to B. Colin, President of the Court of First Instance, 29th August 1845.

¹⁰⁹ MA JB347. Trial of Kittoo Ramjee. Police report, 30th August 1845.

¹¹⁰ PRO CO167.286. Letter from James Wilson, Chief Judge, to W. Gomm, 2nd August 1846, enclosing his Trial notes in the case of Kutto Ramgee, a native of Bombay, for the Murder of an Indian Child named Bidacy, before an Assize held at Port Louis, Mauritius, on the 28th July 1846.

¹¹¹ MA RA825. Letter from J. Finniss to G.F. Dick, 11th September 1845.

Pamplemousses that if they took him to Trou d'Eau Douce in Flacq, where he believed the convicts were hiding, he would arrest them. Nevertheless, upon the party's arrival, the convicts were nowhere to be found.¹¹² In April 1836, after eight convicts deserted from Grand River, the commanders of the depot were assembled and informed their overseer that the convicts had gone to Bamboo in Petite Rivière. Six convicts were subsequently despatched to search for the men, and inform the police at Petite Rivière and the convict commander at Bamboo of the desertion. They returned the next day, however, with no news of the maroons.¹¹³

Although some convict maroons returned freely to their camps, others put up a great deal of resistance at the moment of their capture. Four convict maroons were met by a detachment of government apprentices who tried to block off both ways of their escape in an attempt to arrest them. The convicts, however, were armed, one with a rope and the three others with sticks. As the apprentices attempted to make their arrests, they were attacked with sticks and rocks and forced to withdraw. The convicts escaped.¹¹⁴ Another convict was arrested in Moka by an apprentice belonging to M. Le Blanc, despite the convict striking him with a bill hook. Two other maroons who were with him at the time escaped into the woods at Long Mountain, where the captive said that they had all been for about sixteen days.¹¹⁵

Marronage was an act of resistance which represented all that officials feared most in the convicts. An absent body was not simply an unproductive body, but an elusive spectacle which proclaimed the fragility of the convict system. In this sense, it was an expression of the tensions which existed between colonial rhetoric and colonial practices. Not only were maroon convicts able to evade the convict system, but in

¹¹² MA Z2A82. Letters from B.C. Latour, Civil Commissioner of Police Pamplemousses to J. Finnis, 14th January 1835.

¹¹³ MA Z2A96. Letter from R. Sherlock to J.A. Lloyd, 18th April 1836.

¹¹⁴ MA Z2A90. Letter from Civil Commissioner of Police Petite Rivière, to J. Finnis, 7th November 1835.

¹¹⁵ MA Z2A91. Letter from overseer J. Symonds to G. Elliott, 11th February 1836.

doing so they demonstrated their capacity to interact with the general population, despite colonial attempts to effect their segregation. Yet, in offering rewards to informers in order to recapture maroon convicts, marronage also provided a space in which subject populations could be incorporated within the system. Convict and other informers, lured by the promise of positive incentives, were crucial to attempts to counter marronage. While other convicts and the wider plebeian population could benefit materially from harbouring or trafficking with convict maroons, informing offered an alternative which, as the level of rewards offered well illustrates, could be lucrative. Paradoxically, marronage thus simultaneously expressed both the strengths and weaknesses of the convict system. If it was powerless to prevent convict marronage occurring, it is equally clear that most maroons could not hope to remain at large for long, still less to escape from the island.

CHAPTER EIGHT

THE END OF TRANSPORTATION AND THE LIBERATION OF THE CONVICTS

The Bengal Government transported almost 1,000 convicts to Mauritius before 1828. Transportation from the Presidency to the island then came to an end. The Bombay Government also transported almost 500 convicts to Mauritius after 1826. In 1836, however, they refused requests from the Mauritian authorities to transport only able-bodied convicts there. Transportation to Mauritius thus ceased altogether. As a result, from the late 1830s convict numbers were in decline. At the same time, indentured Indian immigration to Mauritius was accelerating. It was a combination of these two factors which led to discussions on how to dispose of the convicts: firstly, the declining number of convicts fit for work made the system relatively expensive. Secondly, the colonial authorities believed that the convicts would be a 'bad influence' on the new Indian immigrants. These concerns eventually led to convict liberation.

The decline in convict numbers

In 1830, there were 611 surviving convicts in Mauritius, excluding deserters and lepers. This figure rose to a peak of 986 convicts in 1834. However, by 1840 there were only 603 convicts on the island and, by 1846, just 382. Demographic decline was compounded by the rising death rates of an ageing convict population and the liberation of a number of time-expired convicts from Bombay. By the 1840s, convict mortality was running at around twenty-three convicts or 4.7% annually. Most of these deaths occurred among the 25% of convicts aged over fifty. The rate fell to 1.8% p.a. for convicts under that age.¹ This ageing population, particularly those earlier arrivals from Bengal, were increasingly incapable of the physical demands of hard labour demanded by public works. Hence, the ratio of effective convict labourers declined in relation to the total. However, the authorities were still

¹ PRO CO167.287. Report of the Committee appointed to inquire into the present state of the Indian Convicts and the most expedient mode of employing them now that the effectives are so reduced in number, 20th July 1847.

obliged to ration and otherwise support all the convicts, creating a drain on the colonial treasury.

FIGURE VIII.I
NUMBER OF CONVICTS IN MAURITIUS, 1815-1848

Year	No. of convicts	Year	No. of convicts
1815	316	1832	unknown
1816	527	1833	unknown
1817	723	1834	986
1818	735	1835	unknown
1819	686	1836	unknown
1820	663	1837	730
1821	649	1838	674
1822	639	1839	640
1823	618	1840	603
1824	601	1841	537
1825	582	1842	497
1826	565	1843	468
1827	548	1844	438
1828	607	1845	406
1829	591	1846	372
1830	611	1847	unknown
1831	unknown	1848	315

Source: IOL P.139.32 Numerical Return of Bengal Convicts showing the Casualties that have occurred from the year 1815 to 31st July 1829 inclusive, Department of Roads & Bridges, 31st July 1829. BenC&J, 20th October 1829; PRO CO167.287. Report of the Committee appointed to inquire into the present state of the Indian Convicts and the most expedient mode of employing them now that the effectives are so reduced in number, 20th July 1847; and, MA RA975. Proceedings of the Medical Board & Classification of the 315 Convicts attached to the Surveyor General's Department, 1st November 1848.

These figures refer to the number of convicts in Mauritius at the end of each year and exclude lepers and maroons.

Almost half of the Bombay convicts (approximately 200) had received a term of years rather than transportation for life. They were permitted to return to Bombay once their sentences had expired, with the Mauritian and Bombay governments equally responsible for the return passage. The Mauritian authorities often experienced difficulty in procuring return passages for these convicts. In November 1836, for example, the Chief of Police, John Finniss, wrote that 'opportunities for Bombay are very rare'.² Five convicts had been detained in the civil prisons

² MA Z2A101. Letter from J. Finniss to G.F. Dick, 7th November 1836.

awaiting their embarkation since their time had expired at the beginning of September. They refused to work their passage or go to Calcutta, a more frequent destination for shipping from Port Louis. Their sentences expired at the start of December, but it was three months before they could embark.³

Despite such difficulties, all the time-expired convicts who so wished eventually returned to Bombay. There, they were still objects of suspicion. The Police Department at Bombay expressed concern that upon landing, time-expired convicts disappeared without trace. It was suggested therefore that ex-convicts be sent to the Police Office on their arrival in Bombay. It was arranged that captains of ships returning convicts would only receive the passage money owed by the Bombay authorities after the convicts were safely handed over to the police.⁴ This appears to have been an attempt to ensure that ex-convicts did not become vagrants or worse in Bombay. One Arab convict, for example, was forwarded to Jeddah from Bombay, at no cost to himself, as he was said to have no means of obtaining a livelihood in the Presidency.⁵

Because of declining numbers, in 1837 the Council of Government recommended that transportation to Mauritius be reinstituted. It argued that: 'Considerable economy is effected in the public expenditure by their employment'.⁶ However, it was later decided that despite the clear economic benefits which resulted from the employment of convicts on the roads, any further introduction into the colony would be socially 'very undesirable'. In other words, the Council feared the consequences of convicts mixing with the increasing numbers of indentured Indian immigrants in

³ MA Z2A97. Letter from J. Finnis to G.F. Dick, 9th December 1836.

⁴ IOL P.402.15. Letter from J.M. Short, Superintendent of Police Bombay, to J.P. Willoughby, 16th May 1838 and Memorandum by the Secretary (J.P. Willoughby), 21st May 1838. BomC&J, 20th February 1839.

⁵ IOL P.403.13. Letter from J. Burrows, Captain & Superintendent of Convicts Bombay, to J.P. Willoughby, 19th November 1842. BomC&J, 23rd November 1842.

⁶ PRO CO170.7. Minutes of Council of Government, 8th June 1837.

Mauritius. A resolution against the further introduction of convicts was subsequently made in May 1839:

In consideration of the large number of Indian labourers now in the Island, the Board did not seem it expedient to bring into the Colony any more Convicts; and did not think that the Economy that would result from the employment of Convicts upon the Roads would compensate for the prejudice likely to ensue from the intercourse of that description of persons with the free Indian labourers.⁷

The Council restated its position in 1841, after further requests were made for the reinstitution of transportation. It argued that the convict system had negative social effects and was less important to the island's economy than had previously been the case: the 'morals' of indentured immigrants would be 'corrupted by association with their condemned countrymen' and, at the same time, free labourers could be obtained for the works on which the convicts were currently employed.⁸

Interestingly, in Australia, a similar process produced a reverse argument. Tens of thousands of bonded white immigrants (tied for terms to colonial employers who provided their passage costs) entered New South Wales in the 1830s and 1840s.⁹ There, it was argued that these respectable working men and women would swamp the convict 'criminal class' and thus remove the 'convict stain'. It was not argued that they would be corrupted by contact with convicts of the same nationality. This comparative variant brings out the orientalist aspect of the arguments developed in Mauritius, as it is evident that the authorities there assumed it was only too likely that indentured Indians would 'naturally' be prone to corruption by convict Indians.

⁷ PRO CO170.12. Minutes of Council of Government, 13th May 1839.

⁸ PRO CO170.15. Minutes of Council of Government, 8th February 1841.

⁹ Nicholas & Shergold, 'Convicts as Migrants', p.49.

Convict pardons

In 1829 a group of Chinese merchants trading in Mauritius petitioned for the release of Panjoo, a Chinese convict who had been sentenced to transportation in Bombay and with whose friends and family they were acquainted in China.¹⁰ As a result, Panjoo was liberated and placed under the charge of one of the merchants, Onitaye. It appears that the authorities took advantage of the petition in order to rid themselves of a convict who was old and unfit for labour.¹¹ However, Panjoo was not formerly pardoned. The Governor of Mauritius was not given that power until 1841.

By Act 36 Geo.3 Chap.47, the King could authorise the Governor or Lieutenant-Governor of any convict settlement to remit either absolutely or conditionally the whole or any part of a convict's term of transportation. This power was to have the same effect as if the King himself had exercised the prerogative of mercy.¹² In this context, in 1840 Governor Lionel Smith wrote to the Secretary of State for the Colonies, Lord Russell, suggesting that all the convicts in Mauritius be pardoned and sent back to India. Just as colonial officials had used the language of penal reform to instigate transportation, Smith claimed that in sending the convicts back to India, knowledge of the 'sufferings' consequent on transportation would deter others from crime. In essence, however, in the same way that earlier colonial rhetoric had disguised the economic basis of transportation, Smith's suggestion was predicated on disposing of an increasingly ineffective, and thus relatively expensive, labour force.

Lord Russell replied that sentences of transportation could be pardoned, but only through reference to the authorities of the Indian Presidencies. Each particular case

¹⁰ IOL P.400.27. Petition of Onitaye, Allac, Tayet, Achom, Apps, Avon, Ahon, Acum, Achon, Finquorn, Ayon & Agnait, 15th April 1829. BomC&J, 24th June 1829.

¹¹ MA RA403. Police report, 6-7th October 1829.

¹² IOL P.402.32. Letter from F.W. Howard, Acting Advocate General Bombay, to J.P. Willoughby, 21st February 1839. BomC&J, 27th March 1839.

was to be decided on the basis of reports on the original offence, provided by the Bengal or Bombay authorities.¹³ As a result, by 1841 the Governor of Mauritius had been authorised to pardon individual convicts with the previous concurrence of the government of the Presidency from which the convict had been transported.¹⁴ The nature of the process was such that petitioners accepted and operated within an established set of power relations. In practice, the petitioner who had exhibited 'good conduct' as defined by the authorities, and who had an influential settler or official to recommend him or her, was the most likely to succeed. The power to grant, however, was mutually constituted with the equal right to reject. Thus pardons provided the authorities with a weapon as well as a reward and so provided a more sophisticated scale of deterrents than floggings, irons and imprisonment could provide.

During the 1840s, a number of convicts petitioned for their pardon. Bhurut-see, for example, petitioned the Governor twice. On both occasions, although the Procureur Général saw no legal objection, his petition was declined. The Surveyor General, J.A. Lloyd, commented that although he was a commander of 'good character', there were many other convicts with 'equal if not better claims to pardon than himself'.¹⁵ The petition of Nouratane, a post office courier on the Mahebourg road, was also declined in 1842.¹⁶ It is open to question as to whether these men were considered too useful to release.

After this date, a number of convict petitioners were more successful. Assan Ibrahim, for example, was groom to Major Savage of the Royal Staff Corps when he petitioned for pardon in 1842. Savage urged that this petition had 'an especial claim

¹³ PRO CO167.223. Despatch from L. Smith to Lord Russell, 17th October 1840 and Russell's reply, 12th July 1841.

¹⁴ IOL P.402.63. Letter from George Lyall & others to the Governor of Bombay, 27th May 1841. BomC&J, 4th August 1841.

¹⁵ MA RA624. Petitions of Bhurut-see (Bhorutsee), 28th March 1840 & 5th March 1842.

¹⁶ MA RA721. Petition of Nouratane, 2nd December 1842.

to consideration', as Ibrahim had informed him about those guilty of robbing Mr Arbuthnot of a considerable quantity of plate. Ibrahim's evidence had secured convictions. One of the convicts later confessed and the plate was restored to its owner.¹⁷ Undoubtedly, the authorities viewed such informers sympathetically. At the same time it was obviously hoped that the lure of such a pardon might encourage others to inform against fellow convicts in the future.

In 1843 Sheik Abib was pardoned on the condition that he accept employment as the Colonial Secretary's personal peon.¹⁸ This was evidently a decision based on a personal favour to this official, G.F. Dick. Sa Adrekan petitioned the Governor four times between 1842 and 1844. On the first three occasions, his petition was declined, with Lloyd reporting that 'if this is granted, every convict on the island will petition for their freedom'.¹⁹ His petitions of December 1842 and January 1844 elicited the same response.²⁰ However, although Lloyd had reported that this man was 'respectable but idle', he was fourth time lucky, in August 1844. With the additional information in this petition that Sa Adrekan was seventy-four years of age, the authorities evidently recognised that his future economic utility was extremely limited.²¹

By 1842, Shaik Hubbeeb, the *subahdar* major who had always proclaimed his innocence, was a commander of post office couriers. J.A. Lloyd recommended him to 'kindness and charity', stating that he was 'broken down in heart and spirit' and had

¹⁷ MA RA724. Letter from Major Savage to G.F. Dick, 7th November 1842; MA Z2A177. Letter from J. Snell to Major Savage, 9th November 1842; and, IOL P.403.20. Letter from W. Savage to William Gomm, 23rd May 1843. BomC&J, 26th July 1843.

¹⁸ MA RA756. Petition of Sheik Abib, 17th February 1843.

¹⁹ MA RA711. Petition of Sa Adrekan, 3rd August 1842.

²⁰ MA RA721/770. Petitions of Sa Adrekan, 7th December 1842 & 8th January 1844.

²¹ MA RC21. Petition of Sa Adrekan, 22nd August 1844. Marina Carter also argues that the authorities were keen to provide passages back to India for elderly or infirm indentured Indian labourers, as there was little value in Indians rendered unproductive through accident or age. *Voices from Indenture*, p.130.

conducted himself with 'great respectability'.²² The Governor refused to grant his pardon, however, stating that he had been guilty of an atrocious offence and that it was an 'unsafe' example to show mercy extended to 'offenders of the class of this convict'.²³ A petition from his wife failed to sway officials.²⁴ However, after another petition in 1844, a favourable application was made to the Bombay Presidency and Shaik Hubbeeb was granted a free pardon. He subsequently returned to Bombay to rejoin his family.²⁵

Similarly, Housah, a commander of convict carpenters, had his petition for pardon granted in 1846. The pardon was clearly an incentive to conformist behaviour amongst the remaining convicts: he was described by the Surveyor General as a 'good and useful man'.²⁶ A native writer, Soonda Parpia, was also granted pardon in 1848. A member of the Franco-Mauritian community, William Koenig, petitioned on his behalf, as he wished to engage him in his service. In a clear indication of the social control dimension of pardoning, the Colonial Secretary wrote that the petition would be granted in order to 'induce good behaviour on the part of the remaining convicts'.²⁷ It was hoped that holding out the possibility of pardon to all the convicts would assure their good conduct.

The liberation of the convicts

By 1847, there were just 376 convicts in Mauritius. Many were 'incapacitated by age or infirmity from rendering much service to the government'.²⁸ In this context, a Committee of Enquiry was set up, to report upon 'most advantageous mode of

²² IOL P.403.7. Letter from J.A. Lloyd to S. Brownrigg, 6th March 1842. BomC&J, 21st April 1842.

²³ IOL P.403.8. Minute of the Governor of Mauritius (G.W. Anderson), 24th March 1842. BomC&J, 25th May 1842.

²⁴ IOL P.403.18. Resolution on the Honourable Court's Despatch, 11th of April 1843. BomC&J, 14th June 1843.

²⁵ MA SD23. Letter from W. Gomm to Lord Stanley, 28th April 1844.

²⁶ MA RA865. Petition of Housah, enclosed in a letter from J.A. Lloyd, 31st December 1846.

²⁷ MA RA1045. Report of J.A. Lloyd, 28th March 1848.

²⁸ PRO CO167.279. Dispatch from W. Gomm to Earl Grey, 1st February 1847.

disposing of the labor of the Indian convicts, now that they are so reduced in number and many of them from age and infirmities incapable of but little service'. The resultant lengthy report was presented to Governor William Gomm on July 20th 1847. Of 376 convicts on the strength of the department, the committee examined 357 men, excluding the four convict women, eighteen convicts in hospital and seven in prison. The enquiry also excluded twenty-seven men supposed to be deserters and fourteen convict lepers removed to Isle Curieuse. Of the 357 examined, fifteen were Bombay convicts undergoing sentences for fixed terms, the rest lifers from Bengal and Bombay.

The committee had the convicts assembled at Grand River, examined by Alex Montgomery, the Chief Surgeon at the civil hospital, and divided into three 'classes': 'effective', 'half-effective' and 'invalid'. Montgomery classed 163 men effective, 113 half-effective and eighty-one as invalids. It was decided that the 163 effective convicts could be employed on public works. However, the half-effective men could only be employed in breaking stones for road metal. Invalids were exempted from labour altogether. The committee reported:

The greater portion of [half-effective convicts] are little better than invalids, and as regards any measure of usefulness must be ranked with the latter who consist of men entirely ineffective and unable to render any service whatever. The numerical and effective strength of the force is quite inadequate for its object, viz. the repair and maintenance of the public roads; - that it is annually becoming less effective for this purpose; that a large proportion of the remaining force is wholly, or nearly, ineffective and consequently a burthen upon the colony.

Moreover, the committee reported that: 'The cost of the maintenance of each effective labourer, after allowing for the ineffective, is as great as that of hired labourers'. The great boon of the convict system, its relative cheapness, was brought directly into question for the first time. As a result, the committee recommended

that a body of free labourers from the Indian Presidencies be introduced into the colony, expressly for the purpose of working on public works contracts. It believed that this would be as cheap and effective as convict labour.

The committee also recommended that all the convicts who had been in the colony for thirty years or more (in effect all the remaining Bengal convicts with the exception of those who had arrived in 1828) and all the convicts over the age of sixty-five 'who bear a good character', should have the option of being liberated and granted a free passage back to India; or of remaining under the control of government if they wished to remain in the colony but were unable to support themselves. If they chose to continue to work for the government, it was recommended that their work should be remunerated with wages 'equivalent to the value of their labour', a nicely cost-effective calculation in line with contemporary political economy. In effect, these recommendations were an attempt to relieve the authorities of responsibility for those convicts who were the most unfit for labour. The assumption was that a large proportion of the convicts would opt to return to India.

In the future, all convicts with a 'good character' would be entitled to the same conditions after they had been in the colony for twenty years. After considering the committee's report, the Secretary of State for the Colonies agreed to every recommendation, without exception.²⁹ The date for the liberation of the 177 eligible convicts was set for January 1st 1849. The Acting Surveyor General, W.H. Rawstone, stated that by then the new Rivière du Rempart bridge would be finished: 'At the moment it would be the greatest inconvenience to me if I was deprived of [the convicts]'.³⁰

²⁹ PRO CO168.33. Letter from Earl Grey to W. Gomm, 15th January 1848.

³⁰ MA RA916. Letter from W.H. Rawstone to G.F. Dick, 18th November 1848.

In the meantime, a Medical Board was set up to reclassify the convicts 'from the lapse of time which had passed since their last examination'.³¹ In November 1848 the 315 remaining convicts were examined: 112 were classed as effective, seventy-seven as half-effective and, 126 as invalids. As J.A. Lloyd noted at the time, these findings were 'totally at variance' with the 1847 report. In 1847 there had been 163 effective convicts, 113 half-effective convicts and eighty-one invalids. Curiously, Alex Montgomery, a doctor well familiar with the convicts, was excluded from the 1848 board. As a result of this the convicts were able to manipulate perceptions of their physical fitness, in front of officials who did not know them, in order to be classified as invalids and placed on the rations list, free of any labour obligations. Indeed, the Medical Board reported that infirm convicts sat under the tamarind trees at Grand River 'passing the day unguarded, dozing, or smoking their "bubble-bubble" '.³²

Such action was a classic example of purposeful malingering. J.A. Lloyd complained about the Board's findings, writing of '126 Invalids so created'. According to him, the convict Shukshuru's ability to convince the authorities that he was an invalid continued a pattern of varied resistance:

The Government is to be burthened with the expense of the large rations of 126 Invalids so created for the rest of their lives ... One man named "Shukshuru" who was passed in 1847 as half effective, and although old is strong and active enough to be one of the greatest rogues in this land, has been now passed as an Invalid as a reward for his past life. He has been in prison for theft, receiving stolen goods, broke his leg to get off work, accused the Hospital Servants of robbing him of \$300, finally induced a servant to rob, and stole \$100 and to avoid being sent from Grand River attempted to cut his throat.³³

³¹ MA RA975. Proceedings of the Medical Board & Classification of the 315 Convicts attached to the Surveyor General's Department, 1st November 1848.

³² MA RA916. Report of the Medical Board on the Convicts, 18th December 1848. A 'bubble-bubble' was also known as a *huqqa* (tobacco pipe).

³³ MA RA916. Letter from J.A. Lloyd to G.F. Dick, 18th December 1848.

In this instance, however, such resistance was unsuccessful. As a result of an enquiry into Lloyd's observations, the 1848 Medical Board's system of classification was ignored. All those convicts who had served over thirty years or were aged over sixty-five were liberated on January 1st 1849 according to the recommendation of the 1847 committee. Each convict's entitlement to rations was also based upon that report.

After the liberation of these convicts, it quickly became apparent that although the Bengal authorities had no objections to it *per se*, they would not concede to the recommendation that liberated convicts be given the option of returning to the Presidency. The first hints of this came at the beginning of 1848. The previous year, the Mauritian authorities had petitioned for the pardon of Pursund Sing as they believed his conduct in Mauritius was deserving of 'great commendation'. The Bengal Government agreed on the condition that he did not leave Mauritius. It added that other convicts would be permitted the right to return to Bengal only under 'special circumstances'.³⁴

In August 1848, the Governor-General of India wrote that although he had no objection to convicts in Mauritius being liberated in principle, he believed that allowing them to return to India 'would tend to impair the efficacy of transportation as a punishment'. Moreover, it would lead to convicts in other penal settlements petitioning for similar privileges.³⁵ Given that transportation was a punishment predicated upon the dread which it was believed to engender amongst the Indian population, there was evidently a great deal to be lost from convicts returning, reporting upon and thus removing the fear of the unknown. It is difficult to take this reiteration of the original rhetoric of transportation to Mauritius at face value, since it

³⁴ IOL P.143.8. Letter from G.A. Bushby, Secretary to Government of India, to F.J. Halliday, 26th February 1848. BenC&J, 2nd March 1848.

³⁵ PRO CO167.303. Letter from G.A. Bushby to G.F. Dick, 19th August 1848.

is hard to imagine that the East India Company's administration had any enthusiasm for the return of aged unproductive men whom it might have to support.

The decision to refuse ex-convicts permission to return to Bengal was one which the Surveyor General was said to 'deeply regret'.³⁶ In effect, official attempts to relieve Mauritius of the responsibility for unproductive convicts had backfired. The Government was left responsible for a body of men who offered them absolutely no economic returns. Such a 'disposal' of the labour force was highly unsatisfactory. As a result, another Medical Board was set up to determine how many of the convicts were fit enough to provide for themselves without government assistance. In November 1849 it reported that eighty-six of the convicts could obtain their livelihood unsupported. They were subsequently taken off government rations.³⁷ By July 1851, just 174 convicts were drawing full rations and twenty-eight half rations. The remainder were forced to provide for themselves.³⁸ As in its beginning, so in its end the calculus of political economy was the ultimate governor of the Mauritian convict system.

In 1852, the overseer in Port Louis, William Carey, reported the 'constant annoyances' of liberated convicts asking to be put back on the ration list. He requested that the Surveyor General assess their physical state in order to adjudicate their entitlement. Some of these convicts may well have been invalided over the preceding few years. Equally, given the influx of indentured Indian immigrants, it is likely that liberated convicts were unable to find work.³⁹ There was also a pool of casual labour in the immiserised liberated slave communities; it is hard to imagine that elderly ex-convicts could compete with them in the labour market. However,

³⁶ MA RA916. Letter from J.A. Lloyd to G.F. Dick, 13th October 1848.

³⁷ MA RA1010. Letter from W.H. Rawstone to G.F. Dick, 28th November 1849.

³⁸ MA RA1118. Report of the Surveyor General (W.H. Rawstone), 16th July 1851.

³⁹ Similarly, Carter has shown that plantation owners were unwilling to employ ex-slaves on the plantations. Instead they looked to indenture as a new source of cheap, unfree labour. See *Servants, Sirdars & Settlers*.

Carey also observed that the ex-convicts claimed they would obtain a livelihood in India if permitted to return there.⁴⁰ Thus it is possible that their constant requests to be placed on rations were a covert means of attempting to persuade the Mauritian authorities that their return home was in the official interest. Additionally, beyond the chance of finding work, returning to India promised reconnection to the social networks they had left behind. These networks offered the ultimate security against destitution.

Many of the liberated convicts petitioned to return to Bengal. In June 1849, for example, eight expressed this wish. This petition was refused, for the Mauritian government stated that it had no authority to grant it.⁴¹ In 1850, another seventeen liberated convicts petitioned for permission to return.⁴² The case was referred to the Bengal Presidency, which found it convenient to stand behind the opinion of the Lieutenant Governor of the N.W. Provinces, J. Thornton:

It appears that no special evil results would be likely to arise from the return of these men to India - The proposed measure may, however, be considered objectionable on general grounds, such as the hopes which the indulgence might excite in other transported convicts, and the diminution which it might to a certain extent produce in the dread with which the punishment of transportation is now viewed - If the convicts who have applied for pardon had performed any notable service the case would have been different, but general good conduct can hardly be considered a sufficient cause for remitting the remainder of their sentence without introducing an altogether new principle into the punishment in question.⁴³

Thus, as in 1848, two principles determined rejection: that allowing convicts to return from Mauritius to India could induce those elsewhere to expect the same

⁴⁰ MA RA1164. Letter from W. Carey to W.H. Rawstone, 15th November 1852.

⁴¹ MA RA1035. Petition of eight Bengal convicts, 25th June 1849.

⁴² IOL P.143.44. Letter from J.A. Lloyd to G.F. Dick, 29th March 1849. BenC&J, 13th March 1850.

⁴³ IOL P.143.44. Letter from J. Thornton, Secretary to Government N.W. Provinces, to J.E. Grant, Secretary to Government Bengal, 18th February 1850. BenC&J, 13th March 1850.

indulgence; and, diminishing the supposed dread of transportation. The Mauritian authorities were subsequently so informed.⁴⁴

Despite these Indian directives, by the beginning of 1851, the Surveyor General reported that many convicts were 'on the eve of leaving in disobedience to His Excellency's orders'.⁴⁵ Nine formally expressed this wish in April 1851; another twenty-one in June.⁴⁶ In both cases, the Mauritian authorities replied that they was unable to intervene on the convicts' behalf. It is possible that these convicts were able illicitly to obtain a passage to India. It would certainly have been in the Mauritian authorities' interests to turn a blind eye to this.

The 1847 Committee of Enquiry had recommended that convicts who had served under thirty years (and were thus not entitled to immediate liberation), should have their unexpired terms remitted after twenty years. As a result, by 1850 a number of eligible convicts were petitioning for liberation. The Governor stated that he was unable to grant a general pardon but would consider individual applications.⁴⁷ As has been shown, convicts who had wives or families were treated in a particularly sympathetic light. In October 1849, for example, Gearnoo Dannoo petitioned for liberation after he stated that it would enable him to support his family better.⁴⁸ His petition was granted in April 1850 on the condition that he did not return to India.⁴⁹ Mullala Solimon, who stated that he had a wife and five young children to support, was granted pardon in January 1851.⁵⁰ Ragoo, a female convict, was also liberated in the same month.⁵¹

⁴⁴ IOL P.143.44. Letter from J.W. Dalrymple, Under-secretary to Government Bengal, to G.F. Dick, 9th March 1850. BenC&J, 13th March 1850.

⁴⁵ MA RA1118. Letter from W.H. Rawstone to C.J. Bayley, 15th February 1851.

⁴⁶ MA RA1135. Petitions of twenty-one & nine Bengal convicts, 9th April & 22nd June 1851.

⁴⁷ MA RA1089. Letter from G.W. Anderson to E.O. Frome, 4th February 1850.

⁴⁸ MA RA1043. Petition of Gearnoo Dannoo, 22nd October 1849.

⁴⁹ MA RA1043. Letter from C.J. Bayley to W.H. Rawstone, 8th April 1850.

⁵⁰ MA RA1118. Letter from W.H. Rawstone to C.J. Bayley, 29th January 1851.

⁵¹ MA RA1148. Petition of Ragoo, 13th January 1851.

In April 1851, the Governor of Mauritius unsuccessfully forwarded a petition for a general pardon of all the remaining Bombay convicts to the authorities there.⁵² By 1852, there were just seventy-two convicts remaining under sentence. The Surveyor General recommended that they all be liberated, as 'the advantage the government derives from their labour is very trifling'.⁵³ Indeed, of the seventy-one convicts remaining under sentence in June 1853, just seven were employed on the roads. The remainder had light work as couriers, guardians of public buildings, servants or peons in the department. Economic considerations were again primary in the decision to liberate them. A Finance Committee reported:

It is not deemed expedient to retain in service the few who remain, but, rather, to encourage them to seek their own livelihood, and the means of support for their old age, before they become a burthen to the Government.⁵⁴

With none of the convicts having served less than fifteen years' transportation, the Indian authorities agreed to the recommendation.⁵⁵ On April 12th 1853, it was decided that all the convicts, except two undergoing sentences of imprisonment for crimes committed in the colony, would be liberated, under the condition that they did not return to India.⁵⁶ This decision was communicated to the convicts in November, when the sixty-five remaining men had their final petition for liberation granted.⁵⁷

⁵² MA RA1224. Letter from E.O. Frome to C.J. Bayley, 30th December 1852.

⁵³ PRO CO167.344. Letters from E.O. Frome to C.J. Bayley, 21st June & 7th July 1852.

⁵⁴ PRO CO170.37. Report no.341 of the Finance Committee on the Minute of the Governor, 12th June 1853 & correspondence on the subject of the liberation of the Indian convicts now remaining in Government Service, 28th June 1853.

⁵⁵ PRO CO167.344. Letter from C.J. Bayley to the Duke of Newcastle, 12th August 1852.

⁵⁶ MA RA1198. Minute on the liberation of the Indian convicts, 12th June 1853.

⁵⁷ MA RA1225. Petition of sixty-five convicts, 14th November 1853.

Ex-convicts in Mauritius

After the first group of Bengal convicts were liberated in 1849, many moved out of their Grand River huts. Those convicts who had established families on the island had an obvious motive for doing so. Many ex-convicts simply disappeared from official view. In 1853, the Surveyor of Roads, William Carey, wrote that he was ignorant of the whereabouts of eleven of the fifteen convicts still entitled to government rations.⁵⁸ Most likely, many ex-convicts merged into the wider population: joining their creole concubines or other Indian communities. A number of ex-convicts initially had an agreement with Etienne Benoit, who allowed them to live on his property near Grand River. However, he repossessed this land in October 1852. The convicts then requested permission to construct huts between Pailles and Grand River at Camp Lauzun. This was refused after the Surveyor General said that they would become a 'nuisance' there. They were told that they could live in their old huts at Grand River instead, in a belated reflex of surveillance practices.⁵⁹

Evidence exists that some liberated convicts refused to work. Tuggee, who was liberated in January 1849, immediately left the Company Gardens in Port Louis where he had been a guardian. As a result, he was taken off the rations list. When he asked to be put back on it, the Surveyor General assented on the condition that he go back to work. Tuggee refused, his right to rations was not restored and he was labelled a 'bad character'.⁶⁰ Although Tuggee tried to assert his right to rations without working, he evidently overplayed his hand. In 1850, William Carey reported that the convict Goormook 'refused to put his hand to help weighing his ration wood this morning when he was told by [overseer] Mr. Graham to lend a hand'. The Surveyor General stated: 'This is one of numerous instances of the kind that is continually occurring amongst these liberated men'. In a clear indication of

⁵⁸ MA RA1206. Letter from W. Carey to C.J. Bayley, 4th January 1853.

⁵⁹ MA RA1164. Letter from W.H. Rawstone to C.J. Bayley, 14th October 1852.

⁶⁰ MA RA1045. Report of the Surveyor General, 3rd October 1849.

the potential for denying rations as a powerful negative incentive to work, he recommended that Goormook be struck off the ration list 'as a warning to the rest'.⁶¹ Later that year, the Governor proposed that liberated convicts be employed as guardians over government property at the Ten Mile Post in Plaines Wilhems. Surveyor General Rawstone reported: 'They, one and all, refused to comply with the request'.⁶²

Those liberated convicts who had been labelled 'effective' men in 1848 and, as a result, were not entitled to government rations, also risked destitution if they did not work liberation. This does not imply that they were all exploited by unscrupulous employers. In many cases the convicts were well aware of their bargaining power. In January 1852, for example, a few ex-convicts indicated their willingness to accept paid employment as post office couriers, work to which they had been assigned as convicts. They initially accepted the offer of twelve piastres per month and full government rations. By April of that year, however, they were refusing to work for this sum, demanding a higher salary. The Postmaster General complained of his inability to find other experienced men suitable for the task and asked that the convicts' request be granted.⁶³ This work was not menial and involved being in a position of trust. It involved mobility and offered all the pleasures of the road, such as the *cantine*. At the same time, convicts were not encased in some 'timeless' Indian culture. They showed a clear worker consciousness and exploited their knowledge that an inexperienced new courier was a less attractive prospect to their employer, in order to extract higher pay.

There is also evidence that a small number of Ceylon and Bombay convicts requested permission to settle on the island after their time had expired, rather than

⁶¹ MA RA1068. Letter from W. Carey to W.H. Rawstone and his reply, 3rd May 1850.

⁶² MA RA1068. Letter from W.H. Rawstone to C.J. Bayley, 8th June 1850.

⁶³ MA RA1161/2. Letters from S. Brownrigg to C.J. Bayley, 5th January & 1st April 1852.

return to India. These convicts were often men who had found employment with the Department of Roads and Bridges or wished to remain as servants to its staff or other inhabitants on the island. Economic opportunities were evidently available to those ex-convicts with appropriate skill and experience. However, they were only given permission to settle when they had found employment and could show that they had the resources to support themselves. Permission of residence was also conditional on the ex-convicts' continuing 'good behaviour'.

In 1828, for example, two time-expired Ceylon convicts were granted permission to stay in the colony after they stated that they were both 'tradesmen'.⁶⁴ No other time-expired Ceylon convicts remained in Mauritius. The Bombay convict Loua Dhoondoo also offered his services as a carpenter to the government after his time expired in 1842. A one year contract was subsequently approved.⁶⁵ Later that year, permission was also granted to Shaik Hussain and Mahomed Kurreem, an 'exemplary character' who had acquired a small plot of land at Deux Bras.⁶⁶ Two other convicts, Munchurjee and Girdhur Amootal were also granted permission to remain in Mauritius in 1848. They were carpenters and were said to be 'most useful men to the government'. Indeed, Munchurjee was later put in charge of the contracted Indian labourers on the Port Louis public works.⁶⁷

Another time-expired convict, Lathan, practised medicine in Mauritius. This only came to light when Sr Tournierin made a complaint against him, claiming that he had extorted money, claiming to have remedies to cure any illness.⁶⁸ Two other inhabitants, however, offered themselves as security for this man. They vouched for

⁶⁴ MA RA387. Letter from W. Staveley to G.F. Dick, 11th December 1828.

⁶⁵ MA RA708. Letter from J.A. Lloyd to G.F. Dick, 22nd March 1842.

⁶⁶ MA RA709. Letters from J.A. Lloyd to G.F. Dick, 2nd November & 24th December 1842.

⁶⁷ MA RA981. Letter from M. Carey to G.F. Dick, 4th April 1848.

⁶⁸ MA Z2A83. Letter from J. Finnis to G.A. Barry, 6th January 1835.

the effectiveness of his medicine, presumably *ayurvedic*.⁶⁹ The head of the Medical Department, William Stewart, intervened, protesting against Lathan's 'healing art'. He refused the Colonial Secretary's suggestion that he examine Lathan's drugs:

In respect to the examination of such substances as this convict may present, or the innocuous qualities they may possess, I would, with permission observe, that any such precautionary measure can afford no protection to the public, since it is highly improbable that he would bring forward articles of a hurtful or deleterious quality, and there can be no tie to bind him to the exclusive use of such as may be presented, nor faith in the proper application of them to practice. Then as to the strength of moral obligation, it cannot, it is presumed, in his class in particular, be, in any way, depended upon.⁷⁰

Stewart evidently mistrusted the 'moral obligation' of Lathan as a convict (and no doubt an Indian 'native') to practice medicine in a responsible manner. It is clear that an Indian convict's transgression of professional boundaries was intolerable.

Several time-expired convicts found employment as servants to officers in the Department of Roads and Bridges. This was often simply a paid continuation of the work which these convicts had performed prior to the expiration of their term of years and, as with the post office couriers, illustrates conscious selectivity of work as free men. In 1838, overseer Goss was granted permission to take a time-expired convict as a servant. The Governor stated that although he had objections 'in general', in this case he would make an exception.⁷¹ The 'Portuguese' convict John Decosta was also allowed to stay in Mauritius as a servant to William Staveley in 1840.⁷² W.H. Rawstone was permitted to take a time-expired convict into his service in 1841. He was ordered to contract an engagement before a Stipendiary Magistrate and 'furnish the convict with the usual security given to indentured Indian

⁶⁹ MA Z2A84. Letter from J. Finnis to G.A. Barry, 3rd February 1835.

⁷⁰ MA RA544. Letter from W. Stewart to G.F. Dick, 9th February 1835.

⁷¹ MA Z2A106. Letter from G.F. Dick to J.A. Lloyd, 31st May 1838.

⁷² MA RA604. Letter from J. Finnis to G.F. Dick, 28th January 1840.

labourers'.⁷³ In contracting an agreement in this way, Rawstone retained a degree of control over his employee. Other time-expired convicts were privately employed. Ali Beg Kassembeg, for example, was taken into the service of a Mr Alanda when his time expired in 1849.⁷⁴ However, there is no evidence to suggest that any of the convicts joined the influx of indentured Indian immigrants as labour on the island's plantations.

In another case, Basker Wasdeen, who had been transported for a fourteen year term, was initially sent back to Bombay at the expiration of his sentence. In 1849 he returned to Mauritius.⁷⁵ It is possible that he had established social networks to which he wished to return, while his original networks were perhaps now atrophied. At the same time, he may have been drawn back there to economic opportunities unavailable to him in his own country. Whatever the case, Wasdeen was not returned to Bombay. After settling in Mauritius, a few other convicts later expressed their wish to return to Bombay. Mamode Nolachi, for example, was given permission of residence in 1847. After his wife died and he became an invalid, he petitioned for his return to Bombay in 1852. No objections were raised and he returned later that year.⁷⁶ Two other Bombay convicts, Sododdy and Rotton, settled in the colony after their time expired in the 1840s. In 1853 they stated that they were old and could no longer work. Their desire to return to Bombay was granted.⁷⁷ The Mauritian authorities of course had no objections to returning those ex-convicts whose productive capacity had expired.

⁷³ MA Z2A159. Letter from J. Snell, Assistant Colonial Secretary, to J. Finnis, 20th September 1841.

⁷⁴ MA RA1020. Letter from W.H. Rawstone to G.F. Dick, 24th October 1849.

⁷⁵ MA RA1069. Letter from A. Montgomery to F. Siewright, Chief Medical Officer, 17th February 1849.

⁷⁶ MA RA1192. Petition of Mamode Nolachi, 18th May 1852.

⁷⁷ MA RA1125. Petition of Sododdy and Rotton of Grand River, 21st November 1853.

Although permission of residency was related to occupational skills and capacity to work, it was only granted on condition of their continuing 'good behaviour'. The authorities did not hesitate to send back to Bombay those who were subsequently judged as 'bad characters'. In May 1837, for example, the time-expired convict Penjoo Bermoo was granted permission to stay in Mauritius during 'good behaviour'.⁷⁸ Another convict who petitioned for the right to settle on the island, Mordeen Mahomet, was told upon permission of residence being granted in 1836 that if any complaint was brought against him, he would be 'instantly sent out of the colony'.⁷⁹ In July 1837, he was reported to have 'turned out a bad character', although it is not clear why. Later that month, Mahomet was returned to Bombay with a group of other time-expired convicts.⁸⁰ Similarly, Pursholum Kulliangee was granted the right to settle in Mauritius in July 1845. Later that year he was discovered melting down stolen gold and silver coins. He was immediately sent back to Bombay.⁸¹

As a result of such cases, there was some debate between colonial officials on the merits of allowing time-expired convicts to settle in Mauritius. Indeed, in 1837, the Colonial Secretary, G.F. Dick, stated: 'I do not think it advisable to allow any of these men to remain here when their time of banishment may expire'.⁸² The Chief of Police, John Finniss, later agreed with this opinion. Ten years later, in July 1847, the time-expired convict Basta petitioned for permission of residence after he claimed to have found employment with Srs Charles Curé and Rodier, metal turners, casters and mechanics. He stated that he would be paid the not inconsiderable sum of \$40 per month. Upon further enquiries it was discovered that no such offer of employment had been made and Basta only 'supposed' that Curé and Rodier might take him into

⁷⁸ MA RA566. Letter from J.A. Lloyd to G.F. Dick, 20th May 1837.

⁷⁹ MA Z2A97. Letter from G.F. Dick to J.A. Lloyd, 19th September 1836.

⁸⁰ MA Z2A101. Letter from J. Finniss to G.F. Dick, 14th July 1837.

⁸¹ MA RA826. Letter from J. Finniss to G.F. Dick, 22nd October 1845.

⁸² MA Z2A103. Letter from G.F. Dick to J. Finniss, 18th July 1837.

their service. John Finniss wrote: 'Persons of this description are no requisition to the colony as the daily police reports well prove'. Basta was sent back to Bombay.⁸³

John Finniss continued to express such disapproval. Another convict, Lala Sarapsap was employed on government works for a two year contract after his time expired.⁸⁴ In 1846 this ended and he was detained at Port Louis in readiness for embarkation to Bombay. Sarapsap subsequently petitioned the Governor, writing that he wanted to remain in the colony for another year in order to save a little money before returning. A police report again noted: 'The colony cannot benefit by persons of this description being permitted to remain in it as the daily police reports prove'. The petition was refused.⁸⁵ Finniss repeated his opposition to the settlement of time-expired convicts in a second report made in response to Lala Sarapsap's next petition: 'It would be of advantage to the colony if these persons were invariably shipped off as soon as possible on the expiration of the time of their transportation'.⁸⁶ Finniss, like many professional police officers, evidently preferred to keep any potential trouble out of his patch, leaving these men to his colleagues in India.

The Surveyor General, J.A. Lloyd, objected:

I disagree entirely with the Civil Commissioner of Police as to the advantage of sending all convicts back to India at the expiration of their term. Many of these men are trustworthy artificers and I believe besides being a most arbitrary and unusual act to remove them by force from the colony, when they are free, it would be against the desires of the Secretary of State.⁸⁷

⁸³ MA RA838. Petition of Basta, 26th September 1845 and police report, 8th October 1845.

⁸⁴ MA RA902. Petition of Lala Sarapsap, 30th April 1846.

⁸⁵ MA RA897. Petition of Lala Sarapsap, n.d. (April 1846) and police report, 11th April 1846.

⁸⁶ MA Z2A199. Police report, 4th May 1846.

⁸⁷ MA Z2A199. Surveyor General's report, 15th May 1846 .

Thus, there was an easily understandable conflict between policing and labour supply considerations. Finniss's objections were overcome. The imperative for skilled labour overrode his concerns about the convicts' latent criminality. Lala Sarapsap, a skilled man, was subsequently granted permission to remain.⁸⁸ Vosha Bogha also wished to stay in Mauritius after his time expired in May 1846. He stated that he was a jeweller and wanted 'to work at his trade'. In view of police suspicions that a number of convicts were involved in the melting down of stolen goods, they did not recommend giving him a jeweller's licence. However, Vosha Bogha's petition was authorised.⁸⁹

There is very little evidence to support Finniss's assertion that time-expired convicts were commonly in trouble with the police. By 1846, just two ex-convicts had been charged before the courts of the island. Firstly, Ruffee was sentenced to seven years' forced labour after he was found guilty of stealing a substantial amount of silverware from the home of Sr Edouard Arbuthnot in concert with an Indian named Cassim.⁹⁰ Secondly, Ananda, who was employed as a gardener with Sr Cummins in Port Louis, was found guilty of stealing a pack of candles from a shop. He also struck the shopkeeper on the head with his umbrella to resist arrest.⁹¹

A trawl through court records and police report books does not reveal any other complaints against time-expired convicts.⁹² However, time-expired convicts who stayed in Mauritius remained objects of police suspicion. In 1844, for example, the time-expired convict Pittumber petitioned for permission to keep a shop at Grand

⁸⁸ MA Z2A199. Letter from J. Smith to Lala Sarapsap, 3rd June 1846.

⁸⁹ MA RA939. Petition of Vosha Bogha, 15th May 1846 and police report, 26th June 1846.

⁹⁰ MA JA64. Verdict of the Court of Assizes, 30th September 1839.

⁹¹ MA JA73. Police Correctionnelle, 4th November 1842.

⁹² MA JA,JB/Z2A series. Of course this does not imply that there were *never* complaints against time-expired convicts, simply that they were not recorded.

River, urging that it would enable him to support his family. In response to Pittumber's request, John Finniss stated:

Some time ago I passed Grand River and saw a number of Indians who were assembled in and about a shop which I found was kept by a woman with whom [Pittumber] cohabits and which had the appearance of a place of public resort. Two of the [ex-convicts] produced to me the contractors receipt for a stall in the bazaar for the sale of vegetables which it appears they purchase in Plaines Wilhems and Black River. They stated they were time-expired and gaining a livelihood in the best way they could.

Although entirely legal, Pittumber's 'place of public resort' was clearly disapproved of. It was juxtaposed against that of the more 'honest' labour of the two ex-convicts who held a stall at Port Louis for the sale of vegetables. John Finniss went on: 'I should prefer seeing persons like Pitumber attempting to earn an honest livelihood in any other way than keeping a shop which opens a door to abuses'.⁹³ It seems that his petition was granted: at the time of the *Report of the Royal Commissioners* in 1875, a handful of convicts were still alive, receiving rations and lodgings, including a shopkeeper.⁹⁴ In another case, John Finniss accused the time-expired convict Hurmudgee of keeping an unlicensed shop near the bazaar. He described the shop as 'the resort of a great number of Indians and Parsees of the lowest class'. Upon further investigation, it was discovered that Hurmudgee was a servant to the licence holder of the shop, Goulem Hassan Mahomet. There were no grounds whatsoever for Finniss's complaint.⁹⁵

The discourse concerning the liberation of the convicts was the natural conclusion to a colonial rhetoric which had always stressed the economic utility of the convicts,

⁹³ MA RC21. Petition of Pittumber, 23rd March 1844 and police report, 8th April 1844.

⁹⁴ PP 1875 XXIV. Mauritius (Treatment of Immigrants): Report of the Royal Commissioners appointed to inquire into the Treatment of Immigrants in Mauritius, , p.27.

⁹⁵ MA RA981. Police report, 29th November 1848.

implemented positive incentives as a spur to conformist behaviour and attempted to ensure their segregation from the indentured Indian population. As the convict population aged and their relative expense increased, the convict system became ever less cost effective. At the same time, it was felt that the convicts might prove a 'bad influence' on the increasing numbers of Indian indentured immigrants in Mauritius. Under these circumstances, some were pardoned, the remainder liberated and the convict system came to an end, soon to become scarcely a memory and till now rarely more than a footnote or aside in the Mauritian historical record.

CONCLUSION

Transportation was a humanist punishment which absorbed British perceptions of the importance of caste and race in South Asia. At the same time, it was a convenient means to dispose of particular members of peasant society who had suffered from socio-economic dislocation at the turn of the eighteenth century. In the new British possession of Mauritius, the acquisition of convicts was also an economic strategy which originated in the search for cheap, controllable labour. This was necessary to develop the infrastructure crucial for a rapid expansion in sugar cane and other production: British capital was playing for high stakes. The importance of this demand element should not be underestimated. Indeed, transportation to the island ceased as a direct result of the refusal of the Indian Presidencies to transport only convicts fit for such labour to the island.

Despite the humanist basis of transportation, the management and functioning of the convict system in Mauritius embodied the language of disciplinary technology. After being cut off from social networks in India, the convicts were to be worked and disciplined, with their moral transformation secured through their transition into an efficient labour force. If colonial rhetoric were to be believed, the (success) story of transportation ends here, with the convicts produced as docile, segregated, labouring bodies. In reality, however, there was a wide gap between such discourse and actual practices.

Colonial discourse was an attempt to persuade the Indian authorities to continue the supply of convicts to Mauritius: by stressing the success of transportation as both a penal and an economic strategy. In practice, limitations in colonial knowledge caused difficulties in allocating convicts to appropriate labour tasks. There were also real problems in institutionalising control over the convicts. Their employment in essence depended on a lack of surveillance, as convicts were spread throughout the island on various public work projects. The use of soldiers as overseers

compounded this, as the plebeian culture of the garrison clashed with disciplinary rhetoric. With the system institutionalised by those who had little in common with the bourgeois ideology that had created it, its strategies could never be totalising.

At the same time, it was quickly recognised that the system could not operate on coercion alone. Thus convicts themselves were drawn into the hierarchy of control, becoming commanders over their *camarades*. Other positive incentives were very much in evidence. Despite initial objections, convicts were able to acquire personal property. Lapses in surveillance techniques allowed convicts to carry out both legal and illegal economic transactions with each other, their overseers and the general population. Indeed, convict property came to be seen as a boon to the system, as it opened up the prospect of allowing property as an incentive to good behaviour and encouraging a degree of (economic) self-dependency. Given the lack of control over the convicts, it is unsurprising that they were also able to retain a degree of social autonomy and become integrated into Mauritian society. The establishment of family relations and continuity in religious practices and leisure activities were another integral part of convict life, largely tolerated by the authorities as a means of fostering social stability.

Resistance itself still has a place in this analysis of power relations, however. Despite problems in surveillance and control, the rationale of the convict system was to produce a workforce. There is ample evidence that convicts resisted the labour demands made upon them, through direct rebellion, attacks against overseers or everyday forms such as malingering or feigning illness. Perhaps the most drastic response to the transportation experience was suicide. Marronage, too, was a rejection of labour demands. At the same time, however, it held out the promise of independence from colonial control. Convict maroons were able to elude

surveillance and disappear into the general population, or on occasion even escape from the island.

It is clear that transportation produced an unfree labour force which was key to the success of British economic policy in Mauritius. An interesting comparison would be a detailed study of the use and management of convict labour in Southeast Asia and the Andaman Islands, as yet almost unexplored fields. It is surely no coincidence that convicts there were also employed on public works projects. The use of Indian convict labour, it would seem, was crucial for colonial expansion in several contexts. In the absence of such analysis, however, a number of questions raised in the Mauritian context remain unanswered: were convicts there typical of offenders transported to Southeast Asia? How did management techniques differ over place and time? Did convicts in Mauritius respond to transportation in the same way as those elsewhere? The emergence of further research would perhaps provide some answers; whilst the significance of transportation for British expansion in Mauritius, South and Southeast Asia could be more fully assessed. Until then, broad conclusions can only be tentative.

BIBLIOGRAPHY

(I) MANUSCRIPT SOURCES

UK Public Record Office, Kew

CO 54/5	Ceylon correspondence, 1812-1826.
CO 167/8	Mauritius correspondence, 1816-1855.
CO 169	Mauritius laws, 1834-1853.
CO 170	Minutes of Council, Government of Mauritius, 1826-1853.
CO 171	Mauritius <i>Government Gazettes</i> , 1828-1853.
CO 172	Mauritius Blue Books, 1825-1853.

India Office Library, London

E.4.695	Bengal dispatches, 1819.
F.4.534	Board's collections, 1815.
P	Bengal, Bombay and Madras criminal and judicial consultations, 1815-1855.

Mauritius Archives, Coromandel

HA	miscellaneous English records, 1810-1845.
HB4/7.2/13.4	Madagascar papers, post-1810.
HC29	proceedings of the Commune Générale, 1817.
IB9.14-15	original evidence given before the Commissioners of Enquiry, 1827.
JA	Court of Summary Jurisdiction (Police Correctionnelle) and verdicts of the Court of Assizes, 1816-1845.
JB	proceedings of the Court of Assizes, 1816-1851.
JI	post-mortems, 1830-1838.
PA6	miscellaneous petitions, 1858.
RA	miscellaneous Mauritius Secretariat, 1816-1855.
RC	miscellaneous petitions, 1832-1844.
RD	miscellaneous papers, 1823-1844.

SD	miscellaneous correspondence, 1844-1855.
Z2A	police reports and correspondence, 1816-1851.
Z2D	passenger lists inwards, 1826-1848.

Mauritius Supreme Court Library, Port Louis

1794 Napoleonic penal code.

(II) MAURITIUS PRINTED SOURCES

Reports of a Medical Commission assembled under the Presidency of W.A. Burke, Esq. M.D. Chief Officer by order of Major General Darling, Commanding in the Island of Mauritius (1819).

Recueil Complet des Lois et Réglemens de l'ile Maurice, ou ile de france; Tome Première, Cinquième Partie (Port Louis, Mauritius, Mallac: 1823).

(III) PARLIAMENTARY PAPERS AND INDIA REGULATIONS

1814-1815 VII. Regulation IX (Bengal), 1813.

1819 IXXX. Regulations XIV and XVII (Bengal), 1816-1817.

1819 XIII. Papers relating to East India Affairs: Bengal, Madras and Bombay Regulations 1816.

1821 XVIII. Regulations VIII and III (Bengal), 1818-1819.

1824 XXIII. Regulation V (Bengal), 1822.

1826 XXV. Regulation IV (Bengal), 1823.

1826 XXVII. Copies or Extracts of All Communications Received By His Majesty's Government, relative to the Slave Trade at the Mauritius and Bourbon, and the Seychelles, from the Time of Their Capture to the Present Time, 1818-25.

1829 IXXXX. Regulations I and XIV (Bombay), 1827.

1830 XXVIII. Regulation I (Bengal), 1828.

1875 XXIV. Mauritius (Treatment of Immigrants): Report of the Royal Commissioners appointed to inquire into the Treatment of Immigrants in Mauritius, 1875.

(IV) UNPUBLISHED THESES AND DISSERTATIONS

- Richard B. Allen 'Creoles, Indian Immigrants and the Restructuring of Society and Economy in Mauritius, 1767-1885', Ph.D. thesis, University of Illinois (1983).
- Hamish Maxwell-Stewart 'The Bushrangers and the Convict System of Van Diemen's Land, 1803-1846', Ph.D. thesis, University of Edinburgh (1990).
- K.M. Reid 'Work, Sexuality and Resistance; The Convict Women of Van Diemen's Land, 1820-1839', Ph.D. thesis, University of Edinburgh (1996).
- Radhika Singha 'A 'Despotism of Law': British Criminal Justice and Public Authority in North India, 1772-1837', Ph.D. thesis, University of Cambridge (1990).
- Richard Walsh 'The Birth of Bushranging in New South Wales; Its Meanings and Contexts in a Contested Landscape, 1788-1810', M.Sc. thesis, University of Edinburgh (1996).

(V) UNPUBLISHED PAPERS AND MANUSCRIPTS

- Marina Carter & Joe Chan Chiang *Fort Adelaide: The Citadel of Mauritius*, unpublished paper presented at the International Conference on Fortifications, Mauritius: 1996.
- Tristan de Chazal *Histoire généalogique de la famille de Chazal*, unpublished manuscript (1993).
- Ian Duffield 'Naming Namoroa', unpublished paper presented at *Africans and Caribbeans in Britain: Writing, History and Society. A Conference in Celebration of Paul Edwards*, University of Edinburgh: 1994.
- Bruce Hindmarsh 'On the Trail of the Aboriginal Bandits: Aboriginal Resistance Reconsidered', unpublished paper presented at the *'Australia' Conference*, Sir Robert Menzies Centre for Australian Studies, London: 1997.
- J. Mills 'If Madness is a Foreign Country, What of Madness in a Colony?'; 'The Asylum Population in British India after 1857', unpublished paper presented at the Centre for South Asian Studies, University of Edinburgh: 1996.

(VI) PRINTED WORKS PUBLISHED PRIOR TO 1945 AND REPRINTS OF ORIGINAL WORKS

- | | |
|--------------------------|--|
| H.L. Adam | <i>The Indian Criminal</i> (London, John Milne: 1909). |
| John Anderson | <i>Descriptive Account of Mauritius; its scenery, statistics &c with brief historical sketch</i> (Mauritius, L.A. Denny: 1858). |
| James Backhouse | <i>A Narrative of A Visit to The Mauritius and South Africa</i> (London, Hamilton, Adams & Co.: 1844). |
| Nora Barlow | <i>Charles Darwin's Diary of the Voyage of H.M.S. "Beagle"; Edited from the Manuscripts</i> (Cambridge, Cambridge University Press: 1933). |
| P.J. Begbie | <i>The Malayan Peninsula; Embracing its History, Manners and Customs of the Inhabitants, Politics, Natural History &c. from its Earliest Records</i> (London, Veprey Mission Press: 1834). |
| Patrick Beaton | <i>Creoles and Coolies; Or, Five Years in Mauritius</i> (New York, Kennikat Press: 1971; first published 1849). |
| Auguste Billiard | <i>Voyages aux Colonies Orientales, Ou Lettres Ecrit des Iles de France et de Bourbon Pendant Les Années 1817, 1818, 1819 et 1820</i> (Paris, Librairie Française de l'Advocat: 1822). |
| Charles John Boyle | <i>Far Away; Or, Sketches of Scenery and Society in Mauritius</i> (London, Chapman & Hall: 1867). |
| T. Bradshaw | <i>Views in the Mauritius, or Isle of France drawn from nature</i> (London, James Carpenter & Son: 1852). |
| Raymond Bruzaud | <i>Revue Judiciaire de l'ile maurice; Or, Reports of Cases argued and determined in the Court of Appeal and other Courts in the Island of Mauritius in 1843-1844</i> (Mauritius, E. Baker: 1843-44). |
| F.A.M. Dass | <i>The Andaman Islands</i> (Bangalore, Good Shepherd Convent Press: 1937). |
| Robert Townsend Farquhar | <i>Suggestions, Arising from the Abolition of the African Slave Trade, for Supplying the Demands of the West India Colonies with Agricultural Labourers</i> (London, John Stockdale: 1807). |
| Mrs Fenton | <i>The Journal of Mrs Fenton; A Narrative of Her Life in India, the Isle of France (Mauritius), and Tasmania during the years 1826-30</i> (London, Edward Arnold: 1901). |

- L.H. de Froberville *La Grande-Rivière de Port Louis: Souvenirs et Paysages* (Port Louis, Mauritius, General Printing & Stationary Company Ltd: 1933).
- W. Greene *A Digest of the Reported Criminal Jurisprudence of the Supreme Court of Mauritius from 1842 to 1883* (Port Louis, Mauritius, Mercantile Record Co.: 1884).
- James Holman *A Voyage Around the World, Including Travels in Africa, Asia, Australasia, America, etc. etc. from MDCCCXXVII to MDCCCXXXII, Vol. III* (London, Smith, Elder & Co.: 1834).
- M. Kennedy *The Criminal Classes in India* (New Delhi, Mittal Publications: 1985).
- Allister Macmillan (ed.) *Mauritius Illustrated; Historical and Descriptive Commercial and Industrial Facts, Figures and Resources* (London, W.H. Collingridge: 1914).
- Robert Montgomery Martin *The History of the British Colonies, Volumes I and IV: Possessions in Asia, Africa and Australasia* (London, Cochrane & McCrone: 1834).
- J.F.A. McNair *Prisoners Their Own Warders; A Record of the Convict Prison at Singapore in the Straits Settlements established 1825, Discontinued 1873, together with a Cursory History of the Convict Establishments at Bencoolen, Penang and Malacca from the Year 1797* (Westminster, Archibald Constable & Co.: 1899).
- Walter Makepeace, Gilbert E. Brooke & Roland St. J. Braddell (eds) *One Hundred Years of Singapore; Being Some Account of the Capital of the Straits Settlements from its Foundation by Sir Stamford Raffles on the 6th February 1819* (London, John Murray: 1921).
- Albert Pitot *L'Ile Maurice; Esquisses Historiques, Vol. I (1810-1823)* (Port Louis, Mauritius Coignet Frères & Cie: 1910).
- Charles Pridham *England's Colonial Empire; An Historical, Political and Statistical Account of the Empire, its Colonies, and Dependencies; Vol. I, The Mauritius and its Dependencies* (London, Smith, Elder & Co.: 1846).
- Herbert Hope Risley *The People of India* (London, Thacker Spink: 1915).
- W.H. Sleeman *Rambles and Recollections of an Indian Official* (London, Oxford University Press: 1915).
- Philip Meadows Taylor *Confessions of a Thug* (New Delhi, Arnold-Heinemann: 1985).

- Charles Telfair *Some Account of the State of Slavery at Mauritius, Since the British Occupation, in 1810; In Refutation of Anonymous Charges Promulgated Against the Government and that Colony* (London, James Ridgeway: 1830).
- Antoine Marrier
baron d'Unienville *Statistique de L'Ile Maurice et ses Dépérences, suivi d'une notice historique sur cette colonie et d'un essai sur l'île de Madagascar* (Paris, Gustave Barba: 1838).
- Edouard Virieux *Mille et Une Dates de l'Histoire de l'Ile Maurice Jusqu'en 1893* (Port Louis, Mauritius, Imprimerie Coopérative: 1894).
- anon *Recollections of Seven Years Residence at the Mauritius, or Isle of France by a Lady* (London, James Cawthorn: 1830).
- anon *An Account of the Island of Mauritius and its Dependencies By A Late Official Resident* (London, published by the author: 1842).
- anon *Voyages through the Islands of the Indian Ocean* (London, Society for Promoting Christian Knowledge: 1850).
- anon *A Transport Voyage to the Mauritius and Back; Touching at the Cape of Good Hope and St. Helena, by the author of "Paddina;" , "a hot-water cure" etc.* (London, John Murray: 1851).

(VIII) WORKS PUBLISHED AFTER 1945

- Michael Adas 'From Footdragging to Flight: The Evasive History of Peasant Avoidance Protest in South and South-east Asia', in James C. Scott & Benedict J. Tria Kerkvliet (eds), *Everyday Forms of Peasant Resistance in South-East Asia* (London, Frank Cass: 1986), pp.64-86.
- John Addison &
K. Hazareesingh *A New History of Mauritius* (London, Macmillan: 1984).
- B.R. Agarwala *Our Judiciary* (New Delhi, National Book Trust: 1993).
- Syed Hussein Alatas *The Myth of the Lazy Native: A Study of the Image of the Malays, Filipinos, and Javanese from the Sixteenth to the Twentieth Century and Its Functions in the Ideology of Colonial Capitalism* (London, Frank Cass: 1977).
- Seema Alavi *The Sepoys and the Company; Tradition and Transition in Northern India, 1770-1830* (New Delhi, Oxford University Press: 1995).
- Teresa Albuquerque *Bombay: A History* (New Delhi, Pauls Press: 1992).

- Richard B. Allen 'Economic Marginality and the Rise of the Free Population of Colour in Mauritius, 1767-1830', *Slavery & Abolition*, 10, 2 (September 1989), pp.126-50.
- Richard B. Allen 'Marronage and the Maintenance of Public Order in Mauritius, 1721-1835', *Slavery & Abolition*, 4, 3 (April 1993), pp.214-31.
- Shahid Amin 'Approver's Testimony, Judicial Discourse: The Case of Chauri Chaura', in Ranajit Guha (ed.), *Subaltern Studies V; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1987), pp.166-202.
- Shahid Amin *Event, Metaphor, Memory: Chauri Chaura 1922-1992* (Berkeley, University of California Press: 1995).
- Clare Anderson 'The Genealogy of the Modern Subject: Indian Convicts in Mauritius, 1814-1853', in Ian Duffield & James Bradley (eds), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997), pp.164-82.
- Michael R. Anderson 'Islamic Law and the Colonial Encounter in British India', in David Arnold & Peter Robb (eds), *Institutions and Ideologies; A SOAS South Asia Reader* (Richmond, Curzon Press: 1993), pp.165-85.
- Millewa Adikarange Durand Appuhamy *Rebels, Outlaws & Enemies to the British* (Columbo, Sri Lanka, Gunasena: 1990).
- Millewa Adikarange Durand Appuhamy *The Kandyans' Last Stand Against the British* (Columbo, Sri Lanka, Gunasena: 1995).
- David Arnold 'Dacoity and Rural Crime in Madras, 1860-1940', *Journal of Peasant Studies*, 6 (1979), pp.140-67.
- David Arnold 'Rebellious Hillmen: The Guden-Rampa Risings, 1839-1924', in Ranajit Guha (ed.), *Subaltern Studies I; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1982), pp.88-142.
- David Arnold *Police Power and Colonial Rule: Madras, 1859-1947* (New Delhi, Oxford University Press: 1986).
- David Arnold 'The Colonial Prison: Power, Knowledge, and Penology in 19th-Century India', in David Arnold & David Hardiman (eds), *Subaltern Studies VIII; Essays in Honour of Ranajit Guha* (New Delhi, Oxford University Press: 1994), pp.148-87.
- David Arnold & Peter Robb (eds) *Institutions and Ideologies; A SOAS South Asia Reader* (Richmond, Curzon Press: 1993).

- David Arnold & David Hardiman (eds) *Subaltern Studies VIII: Essays in Honour of Ranajit Guha* (New Delhi, Oxford University Press: 1994).
- David Arnold & Ramachandra Guha (eds) *Nature, Culture, Imperialism; Essays on the Environmental History of South Asia* (New Delhi, Oxford University Press: 1995).
- A. Atkinson 'Four Patterns of Convict Protest', *Labour History*, 37 (1979), pp.28-51.
- Tapas Kumar Banerjee *Background to Indian Criminal Law* (Calcutta, R. Cambray & Co. Private Ltd: 1990).
- Anthony J. Barker 'Distorting the Record of Slavery & Abolition: The British Anti-Slavery Society Movement & Mauritius, 1826-37', *Slavery & Abolition*, 14, 3 (December 1993), pp.185-207.
- Anthony J. Barker *Slavery and Antislavery in Mauritius, 1810-33; The Conflict Between Economic Expansion and Humanitarian Reform Under British Rule* (London, Macmillan: 1996).
- Francis Barker *et. al.* (eds) *Europe and Its Others, Volume 1* (Colchester, University of Essex Press: 1984).
- P.J. Barnwell *Visits and Despatches (Mauritius, 1598-1948)* (Port Louis, Mauritius, The Standard Printing Establishment: 1948).
- N. Gerald Barrier (ed.) *The Census in British India: New Perspectives* (New Delhi, Manohar: 1981).
- Crispin Bates 'Race, Caste and Tribe in Central India: The Early Origins of Indian Anthropometry', in P. Robb (ed.), *The Concept of Race in South Asia* (New Delhi, Oxford University Press: 1995), pp.219-57.
- Crispin Bates & Marina Carter 'Tribal Migration in India and Beyond', in Gyan Prakash (ed.), *The World of the Rural Labourer in Colonial India* (New Delhi, Oxford University Press: 1992), pp.205-45.
- Crispin Bates & Marina Carter 'Tribal and Indentured Migrants in Colonial India: Modes of Recruitment and Forms of Incorporation', in P. Robb (ed.), *Dalit Movements and the Meanings of Labour in India* (New Delhi, Oxford University Press: 1993), pp.159-85.
- C.A. Bayly *Indian Society and the Making of the British Empire* (Cambridge, Cambridge University Press: 1988).
- C.A. Bayly (ed.) *The Raj: India and the British 1600-1947* (London, National Portrait Gallery Publications: 1990).
- Burton Benedict 'Caste in Mauritius', in B. Schwartz (ed.), *Caste in Overseas Indian Communities* (San Francisco, Chandler Publishing Co.: 1967), pp.21-42.

- Pramila Ramgulam Bennett *Mauritius; A Bibliography* (Oxford, Clio Press: 1992).
- Surendra Bhana (ed.) *Essays on Indentured Indians in Natal* (Leeds, Pepal Tree: 1991).
- Surendra Bhana & Arvinkumar Bhana 'An Exploration of the Psycho-Historical Circumstances Surrounding Suicide Among Indentured Indians, 1875-1911', in Surendra Bhana (ed.), *Essays on Indentured Indians in Natal* (Leeds, Pepal Tree: 1991), pp.157-68.
- B. Bissoondoyal *The Truth About Mauritius* (Bombay, Bharatiya Vidya Bhavan: 1987).
- Uttam Bissoondoyal (ed.) *Indians Overseas: The Mauritian Experience* (Moka, Mauritius, Mahatma Gandhi Institute Press: 1984).
- U. Bissoondoyal & S.B.C. Servansing (eds) *Indian Labour Immigration* (Moka, Mauritius, Mahatma Gandhi Institute Press: 1986).
- U. Bissoondoyal & S.B.C. Servansing (eds) *Slavery in South West Indian Ocean* (Moka, Mauritius, Mahatma Gandhi Institute Press: 1989).
- Sandra J. Blair 'The Revolt at Castle Forbes: A Catalyst to Emancipist-Emigrant Confrontation', *Royal Australian Historical Society; Journal and Proceedings*, 64, 2 (1978), pp.89-107.
- Sugata Bose *Peasant Labour and Colonial Capital: Rural Bengal Since 1770* (Cambridge, Cambridge University Press: 1993).
- Pierre Bourdieu *Outline of a Theory of Practice* (Cambridge, Cambridge University Press: 1986).
- Tom Brass 'Contextualizing Sugar Production in Nineteenth-Century Queensland', *Slavery & Abolition*, 15, 1 (April 1994), pp.100-17.
- Carol A. Breckenridge & Peter van der Veer (eds) *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* (Philadelphia, University of Pennsylvania Press: 1993).
- Carol A. Breckenridge & Peter van der Veer 'Orientalism and the Postcolonial Predicament', in Carol A. Breckenridge & Peter van der Veer (eds), *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* (Philadelphia, University of Pennsylvania Press: 1993), pp.1-19.
- Jan Bremen *Taming the Coolie Beast: Plantation Society and The Colonial Order in Southeast Asia* (New Delhi, Oxford University Press: 1989).

- Peter Burroughs 'The Mauritius Rebellion of 1832 and the Abolition of British Colonial Slavery', *Journal of Imperial and Commonwealth History*, 4, 3 (1976), pp.243-65.
- Paula J. Byrne *Criminal Law and Colonial Subject: New South Wales, 1810-1830* (Cambridge, Cambridge University Press: 1993).
- Gwyn Campbell 'Madagascar and the Slave Trade, 1810-1895', *Journal of African History*, 22 (1981), pp.203-27.
- Lucy Carroll 'Colonial Perceptions of Indian Society and the Emergence of Caste(s) Associations', *The Journal of Asian Studies*, 37, 2 (February 1978), pp.233-51.
- Lucy Carroll 'Law, Custom, and Statutory Social Reform: The Hindu Widows' Remarriage Act of 1856', in J. Krishnamurty (ed.), *Women in Colonial India: Essays on Survival, Work and the State* (New Delhi, Oxford University Press: 1989), pp.1-26.
- Marina Carter 'Strategies of Labour Mobilisation in Colonial India: The Recruitment of Indentured Workers for Mauritius', *Journal of Peasant Studies*, 19, 3-4 (April 1992), pp.229-45.
- Marina Carter *Lakshmi's Legacy: The Testimonies of Indian Women in 19th Century Mauritius* (Mauritius, Editions de L'océan Indien: 1994).
- Marina Carter *Servants, Sirdars & Settlers; Indians in Mauritius, 1834-1874* (Oxford, Oxford University Press: 1995).
- Marina Carter *Voices from Indenture; Experiences of Indian Migrants in the British Empire* (London, Leicester University Press: 1996).
- G.S. Chapus & G. Mondain *Le Journal de Robert Lyall* (Tananarive, Madagascar, Imprimerie Officielle: 1954).
- Basudev Chatterji 'The Darogah and the Countryside: The Imposition of Police Control in Bengal and its Impact (1793-1837)', *The Indian Economic & Social History Review*, 18, 1 (1981), pp.19-42.
- James Clifford & George E. Marcus (eds) *Writing Culture: The Poetics and Politics of Ethnography* (Berkeley, University of California Press: 1986).
- S. Cohen & A. Skull (eds) *Social Control and the State: Historical and Comparative Essays* (Oxford, Oxford University Press: 1983).
- Anthony Cohn *An Anthropologist Among the Historians & Other Essays* (New Delhi, Oxford University Press: 1987).

- Bernard Cohn 'Notes on the History of the Study of Indian Society and Culture', in Milton Singer & Bernard S. Cohn, *Structure & Change in Indian Society* (Chicago, Aldine Publishing: 1968), pp.3-25.
- Bernard Cohn 'Representing Authority in Victorian India', in Eric Hobsbawm & Terence Ranger (eds), *The Invention of Tradition* (Cambridge, Cambridge University Press: 1983), pp.165-209.
- Bernard Cohn 'The Census, Social Structure and Objectification in South Asia', *Folk*, 26 (1984), pp.25-49.
- Bernard S. Cohn 'Law and the Colonial State in India', in June Starr & Jane F. Collier (eds), *History and Power in the Study of Law: New Directions in Legal Anthropology* (Ithaca, Cornell University Press: 1989), pp.131-52.
- Bernard S. Cohn *Colonialism and Its Forms of Knowledge: The British in India* (Princeton, University of Princeton Press: 1996).
- F.D. Colburn (ed.) *Everyday Forms of Resistance* (New York, M.E. Sharp: 1989).
- R.W. Connell & T.H. Irving *Class Structure in Australian History* (Melbourne, Longman Cheshire: 1992).
- Frederick Cooper & Ann Stoler 'Tensions of Empire: Colonial Control and Visions of Rule', *American Ethnologist*, 16, 4 (November 1989), pp.609-33.
- Frederick Cooper 'Colonizing Time: Work Rhythms and Labor Conflict in Colonial Mombasa', in Nicholas B. Dirks (ed.), *Colonialism and Culture* (Michigan, University of Michigan Press: 1992), pp.209-45.
- Justine M. Cordwell & Ronald A. Schwartz (eds) *The Fabrics of Culture: The Anthropology of Clothing & Adornment* (New York, Moulton: 1979).
- Clifton C. Crais *White Supremacy and Black Resistance in Pre-Industrial South Africa: The Making of the Colonial Order in the Eastern Cape, 1770-1865* (Cambridge, Cambridge University Press: 1992).
- Michael Craton *Testing the Chains; Resistance to Slavery in the British West Indies* (London, Cornell University Press: 1982).
- D. Dabydeen & B. Samaroo (eds) *India in the Carribean* (London, Hansib: 1987).
- Joy Damousi *Depraved and Disorderly; Female Convicts, Sexuality and Gender in Colonial Australia* (Cambridge, Cambridge University Press: 1997).

- Swapan Dasgupta 'Adivasi Politics in Midnapur, c.1760-1924', in Ranajit Guha (ed.), *Subaltern Studies IV; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1985), pp.101-35.
- Alastair Davidson *The Invisible State; The Formation of the Australian State 1788-1901* (Cambridge, Cambridge University Press: 1991).
- Clive Dewey 'Images of the Village Community: A Study in Anglo-Indian Ideology', *Modern Asian Studies*, 6 (1972), pp.291-328.
- Nicholas B. Dirks 'The Invention of Caste: Civil Society in Colonial India', *Social Analysis*, 25 (1989), pp.42-53.
- Nicholas B. Dirks (ed.) *Colonialism and Culture* (Michigan, University of Michigan Press: 1992).
- Nicholas B. Dirks, Geoff Eley & Sherry B. Ortner (eds) *Culture/Power/History: A Reader in Contemporary Social Theory* (Princeton, University of Princeton Press: 1994).
- Nicholas B. Dirks 'Ritual & Resistance: Subversion as a Social Fact', in Nicholas B. Dirks, Geoff Eley & Sherry B. Ortner (eds), *Culture/Power/History: A Reader in Contemporary Social Theory* (Princeton, University of Princeton Press: 1994), pp.483-502.
- Hubert L. Dreyfus & Paul Rabinow *Michel Foucault: Beyond Structuralism & Hermeneutics* (Brighton, The Harvester Press: 1982).
- Ian Duffield 'From Slave Colonies to Penal Colonies; the West Indians Transported to Australia', *Slavery & Abolition*, 7, 1 (1986), pp.25-45.
- Ian Duffield 'The Life and Death of "Black" John Goff: Aspects of the Black Convict Contribution to Resistance Patterns During the Transportation Era in Eastern Australia', *Australian Journal of Politics and History*, 33, 1 (1987), pp.30-44.
- Ian Duffield 'Problematic Passages: "Jack Bushman's" Convict Narrative', in Ian Duffield & James Bradley (eds), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997), pp.20-42.
- Ian Duffield & James Bradley (eds) *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997).
- Leslie C. Duly ' "Hottentots to Hobart and Sydney": The Cape Supreme Court's Use of Transportation, 1828-38', *Australian Journal of Politics & History*, 25, 1 (1979), pp.39-50.

- Louis Dumont 'The "Village Community" From Munro to Maine', *Contributions to Indian Sociology*, 9 (1966), pp.68-89.
- Louis Dumont *Homo Hierarchicus: The Caste System and Its Implications* (Chicago, University of Chicago Press: 1970).
- Barry Dyster *Beyond Convict Workers* (Sydney, Department of Economic History, University of New South Wales: 1996).
- A. Roger Ekirch *Bound For America; The Transportation of British Convicts to the Colonies, 1718-1775* (Oxford, Clarendon: 1987).
- P.C. Emmer (ed.) *Colonialism and Migration: Indentured Labour Before and After Slavery* (Lancaster, Martinus Nijhoff: 1986).
- P.C. Emmer 'The Meek Hindu; the recruitment of Indian indentured labourers for service overseas, 1870-1916', in P.C. Emmer (ed.), *Colonialism and Migration; Indentured Labour before and after Slavery* (Dordrecht, Martinus Nijhoff: 1986), pp.187-207.
- Moomtaz Emrith *History of the Muslims in Mauritius* (Vacoas, Mauritius, Editions le Printemps: 1994).
- Raymond Evans & William Thorpe 'Power, Punishment and Penal Labour: *Convict Workers and Moreton Bay*', *Australian Historical Studies*, 25, 98 (April 1992), pp.90-111.
- John Falconer 'Photography in Nineteenth-Century India', in C.A. Bayly (ed.), *The Raj: India and the British 1600-1947* (London, National Portrait Gallery Publications: 1990), pp.264-77.
- Jorg Fisch *Cheap Lives and Dear Limbs: The British Transformation of the Bengal Criminal Law, 1769-1817* (Wiesbaden, Franz Steiner Verlag: 1983).
- Michel Foucault *The Order of Things: An Archaeology of the Human Sciences* (London, Tavistock: 1970).
- Michel Foucault *The Archaeology of Knowledge* (London, Tavistock: 1972).
- Michel Foucault *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, Vintage/Random House: 1973).
- Michel Foucault *The Birth of the Clinic: An Archaeology of Medical Perception* (London, Tavistock: 1973).
- Michel Foucault *Discipline & Punish: The Birth of the Prison* (London, Allen Lane: 1977).

- Michel Foucault *The History of Sexuality Vol. 1* (New York, Pantheon: 1978)
- Michel Foucault *Power/Knowledge: Selected Interviews and Other Writings by Michel Foucault, 1972-1977* (New York, Pantheon: 1980).
- Michel Foucault 'The Subject & Power', in Hubert L. Dreyfuss & Paul Rabinow, *Michel Foucault: Beyond Structuralism & Hermeneutics* (Cambridge, Cambridge University Press: 1982), pp.208-26.
- Sandria B. Freitag 'Crime in the Social Order of Colonial North India', *Modern Asian Studies*, 25, 2 (1991), pp.227-61.
- Sandria B. Freitag 'Collective Crime and Authority in North India', in Anand A. Yang (ed.), *Crime and Criminality in British India* (Tuscon, University of Arizona Press: 1985), pp.140-63.
- David Garland *Punishment and Modern Society: A Study in Social Theory* (Oxford, Clarendon: 1992).
- Henry L. Gates (ed.) *'Race', Writing & Difference* (Chicago, University of Chicago Press: 1991).
- Eugene D. Genovese *Roll, Jordon, Roll: The World the Slaves Made* (New York, Pantheon: 1974).
- Jonathon Glassman *Feasts and Riots; Revelry, Rebellion and Popular Consciousness on the Swahili Coast, 1856-1888* (London, James Currey: 1995).
- Stewart N. Gordon 'Scarf and Sword: Thugs, Marauders, and State-formation in 18th Century Malwa', *The Indian Economic & Social History Review*, 6 (1969), pp.403-29.
- Stewart N. Gordon 'Bhils and the Idea of a Criminal Tribe in Nineteenth-Century India', in Anand A. Yang (ed.), *Crime and Criminality in British India* (Tuscon, University of Arizona Press: 1985), pp.128-39.
- Stewart Gordon *The Marathas, 1600-1818* (Cambridge, Cambridge University Press: 1993).
- Adrian Graves *Cane and Labour: The Political Economy of the Queensland Sugar Industry, 1862-1906* (Edinburgh, Edinburgh University Press: 1993).
- Ranajit Guha (ed.) *Subaltern Studies I: Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1982).
- Ranajit Guha *Elementary Aspects of Peasant Insurgency in Colonial India* (New Delhi, Oxford University Press: 1983).

- Ranajit Guha (ed.) *Subaltern Studies II; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1985).
- Ranajit Guha 'The Prose of Counter-Insurgency', in Ranajit Guha (ed.), *Subaltern Studies II; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1985), pp.1-42.
- Ranajit Guha (ed.) *Subaltern Studies IV; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1985).
- Ranajit Guha (ed.) *Subaltern Studies V; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1987).
- Ranajit Guha 'Chandra's Death', in Ranajit Guha (ed.), *Subaltern Studies V; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1987), pp.135-65.
- Ranajit Guha & Gayatri Chakravorty Spivak (eds) *Selected Subaltern Studies* (New York, Oxford University Press: 1988).
- Ranajit Guha (ed.) *Subaltern Studies VI; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1989).
- Ranajit Guha 'Dominance Without Hegemony And Its Historiography', in Ranajit Guha (ed.), *Subaltern Studies VI; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1989), pp.210-309.
- David Hardiman 'The Bhils & Shahukars of Eastern Gujarat', in Ranajit Guha (ed.), *Subaltern Studies V; Writings on South Asian History and Society* (New Delhi, Oxford University Press: 1987), pp.1-54.
- Richard Hart *Slaves Who Abolished Slavery, Vols I & II* (Jamaica, Institute of Social & Economic Research: 1980 & 1985).
- D. Hay *et. al.* *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London, Harmondsworth: 1977).
- Douglas E. Haynes *Rhetoric and Ritual in Colonial India* (Berkeley, University of California Press: 1991).
- D. Haynes & G. Prakash (eds) *Contesting Power: Resistance to Everyday Social Relations in South Asia* (Berkeley, University of California Press: 1991).
- D. Haynes & G. Prakash 'Introduction: The Entanglement of Power and Resistance', in D. Haynes & G. Prakash (eds), *Contesting Power: Resistance to Everyday Social Relations in South Asia* (Berkeley, University of California Press: 1991), pp.1-22.

- K. Hazareesingh *History of Indians in Mauritius* (London, Macmillan: 1977).
- Gad Heuman (ed.) *Out of the House of Bondage; Runaways, Resistance and Marronage in Africa and the New World* (London, Frank Cass: 1986).
- B.W. Higman *Slave Population and Economy in Jamaica, 1807-1834* (Cambridge, Cambridge University Press: 1976).
- Eric Hobsbawm & Terence Ranger (eds) *The Invention of Tradition* (Cambridge, Cambridge University Press: 1983).
- Derek Hollingworth *They Came to Mauritius: Portraits of the Eighteenth & Nineteenth Centuries* (London, Oxford University Press: 1965).
- Michael Ignatieff 'State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment', in S. Cohen and A. Skull (eds), *Social Control and the State* (Oxford, Oxford University Press: 1983), pp.75-105.
- Ronald Inden *Imagining India* (Oxford, Blackwell: 1990).
- Ronald Inden 'Orientalist Constructions of India', *Modern Asian Studies*, 20, 3 (1986), pp.401-46.
- J. Jupp (ed.) *The Australian People: An Encyclopaedia of the Nation, Its People and Their Origins* (North Ryde, Angus & Robertson: 1988).
- Grace Karskeens *The Rocks; Life in Early Sydney* (Melbourne, Melbourne University Press: 1997).
- Martin A. Klein (ed.) *Breaking the Chains; Slavery, Bondage and Emancipation in Modern Africa and Asia* (Madison, University of Wisconsin Press: 1993).
- J. Krishnamurty (ed.) *Women in Colonial India: Essays on Survival, Work and the State* (New Delhi, Oxford University Press: 1989).
- Robert Rene Kuczynski *Demographic Survey of the British Colonial Empire, Volume II* (London, Oxford University Press: 1948).
- Dharma Kumar 'Colonialism, Bondage, and Caste in British India', in Martin A. Klein (ed.), *Breaking the Chains; Slavery, Bondage and Emancipation in Modern Africa and Asia* (Madison, University of Wisconsin Press: 1993), pp.112-30.
- Ernesto Laclau *Politics and Ideology in Marxist Theory* (London, New Left Books: 1977).

- Peter Linebaugh *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, Allen Lane: 1991).
- Micaela di Leonardo (ed.) *Gender at the Crossroads of Knowledge: Feminist Anthropology in the Postmodern Era* (Los Angeles, University of California Press: 1991).
- Gail Ching-Liang Low *White Skins/Black Masks: Representation and Colonialism* (London, Routledge: 1996).
- David Ludden 'Orientalist Empiricism: Transformations of Colonial Knowledge', in Carol A. Breckenridge & Peter van der Veer (eds), *Orientalism and the Postcolonial Predicament: Perspectives on South Asia* (Philadelphia, University of Pennsylvania Press: 1993), pp.250-78.
- H. Ly-Tio-Fane & D. Harah 'Indian Convicts in Mauritius 1816-1853', in Uttam Bissoondoyal (ed.), *Indians Overseas: The Mauritian Experience* (Moka, Mauritius, Mahatma Gandhi Institute Press: 1984), pp.205-12.
- M. MacKenzie *Orientalism: History, Theory and the Arts* (Manchester, Manchester University Press: 1995).
- Grant McCracken *Culture and Consumption: New Approaches to the Symbolic Character of Consumer Goods and Articles* (Indianapolis, Indiana University Press: 1990).
- John R. McLane 'Bengali Bandits, Police and Landlords After the Permanent Settlement', in Anand A. Yang (ed.), *Crime and Criminality in British India* (Tuscon, University of Arizona Press: 1985), pp.26-47.
- N. Majumdar *Justice and Police in Bengal, 1765-1793; A Study of the Nizamat in Decline* (Calcutta, Firma K.L. Mukhopadhyay: 1960).
- David G. Mandelbaum *Women's Seclusion and Men's Honor; Sex Roles in North India, Bangladesh, and Pakistan* (Tuscon, University of Arizona Press: 1988).
- Lata Mani 'The Production of An Official Discourse on Sati in Early Nineteenth Century Bengal', in Francis Baker et. al. (eds), *Europe and Its Others, Volume 1* (Colchester, University of Essex Press: 1984), pp.107-27.
- P.J. Marshall *Bengal: The British Bridgehead; Eastern India 1740-1828* (Cambridge, Cambridge University Press: 1987).
- L.P. Mathur *Kala Pani; History of Andaman and Nicobar Islands With a study of India's Freedom Struggle* (New Delhi, Eastern Book Corporation: 1985).

- Hamish Maxwell-Stewart ' "I could not blame the rangers"; Tasmanian Bushranging, Convicts and Convict Management', *Tasmanian Historical Research Association; Journal & Proceedings*, 42, 3 (1995), pp.109-27.
- Hamish Maxwell-Stewart 'Convict Workers, 'Penal Labour' and Sarah Island: Life at Macquarie Harbour, 1822-1834', in Ian Duffield & James Bradley (eds), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997), pp.142-62.
- Thomas R. Metcalf *Ideologies of the Raj* (Cambridge, Cambridge University Press: 1994).
- Robert Miles *Capitalism & Unfree Labour, Anomaly or Necessity?* (London, Tavistock: 1987).
- Sidney Mintz *Caribbean Transformations* (Chicago, Aldine Publishing Company: 1974).
- B.B. Misra *The Judicial Administration of the East India Company in Bengal, 1765-82* (New Delhi, Motilal Banarsidass: 1961).
- K. Morgan 'The Organisation of Convict Trade to Maryland, Stevenson, Randolph and Cheston', *William & Mary Quarterly*, 3, 7 (1985), pp.201-27.
- Norma Myer *Reconstructing the Black Past; Blacks in Britain 1780-1830* (London, Frank Cass: 1990).
- Amédée Nagapen 'Le savant Charles Darwin à Maurice (avril-mai 1836)', *La Gazette des Iles de la Mer des Indes*, 5 (May 1986), pp.17-21.
- Janaki Nair *Women and Law in Colonial India; A Social History* (New Delhi, Kali for Women: 1996).
- Ashis Nandy *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (New Delhi, Oxford University Press: 1983).
- W. Nichol 'Malingering and Convict Protest', *Labour History*, 47 (1984), pp.18-27.
- Steven. Nicholas & Peter R. Shergold 'Non-British Convicts', in J. Jupp (ed.), *The Australian People: An Encyclopaedia of the Nation Its People and Their Origins* (North Ryde, Angus & Robertson: 1988), p.32-6.
- Stephen Nicholas (ed.) *Convict Workers; Reinterpreting Australia's Past* (Cambridge, Cambridge University Press: 1988).

- Steven. Nicholas & Peter R. Shergold 'Transportation as Global Migration', in Stephen Nicholas (ed.), *Convict Workers; Reinterpreting Australia's Past* (Cambridge, Cambridge University Press: 1988), pp.28-39.
- Steven. Nicholas & Peter R. Shergold 'Convicts as Migrants', in Stephen Nicholas (ed.), *Convict Workers; Reinterpreting Australia's Past* (Cambridge, Cambridge University Press: 1988), pp.43-61.
- Sanjay Nigam 'Disciplining and Policing the "Criminals by Birth", Part 1, The Making of a Colonial Stereotype - the Criminal Tribes and Castes of North India', *Indian Economic and Social History Review*, 27, 2 (April-June 1990), pp.131-64.
- Sanjay Nigam 'Disciplining and Policing the "Criminals by Birth", Part 2', *Indian Economic and Social History Review*, 27, 3 (July-September 1990), pp.257-87.
- M.D. North-Coombes 'From Slavery to Indenture: Forced Labour in the Political Economy of Mauritius 1834-1867', in Kay Saunders (ed.), *Indentured Labour in the British Empire 1834-1920* (London, Croom Helm: 1984), pp.78-125.
- Moses E.D. Nwulia *The History of Slavery in Mauritius & the Seychelles, 1810-75* (London, Associated University Presses: 1981).
- Evelyn O'Callaghan *The Earliest Patriots; being the true adventures of certain survivors of "Bussa's Rebellion" (1816), in the island of Barbados and abroad* (London, Karia Press: 1986).
- Tamsin O'Connor 'A Zone of Silence: Queensland's Convicts and the Historiography of Moreton Bay', in Ian Duffield & James Bradley (eds), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997), pp.124-41.
- Rosalind O'Hanlon 'Recovering the Subject; *Subaltern Studies* and Histories of Resistance in Colonial South Asia', *Modern Asian Studies*, 22, 1 (1988), pp.189-224.
- Rosalind O'Hanlon 'Issues of Widowhood: Gender and Resistance in Colonial Western India', in D. Haynes & G. Prakash (eds), *Contesting Power: Resistance to Everyday Social Relations in South Asia* (Berkeley, University of California Press: 1991), pp.62-108.
- Rosalind O'Hanlon *A Comparison Between Women and Men* (New Delhi, Oxford University Press: 1994).
- Wilfred Oldham *Britain's Convicts to the Colonies* (Sydney, Library of Australian History: 1990).

- Deborah Oxley *Convict Maids: The Forced Migration of Women to Australia* (Cambridge, Cambridge University Press: 1996).
- Utsa Patnaik & Manjari Dingwaney (eds) *Chains of Servitude: Bondage and Slavery in India* (Madras, Sangam Books: 1985).
- S. Peerthum 'Resistance against Slavery', in U. Bissoondoyal & S.B.C. Servansing (eds), *Slavery in South West Indian Ocean* (Moka, Mauritius, Mahatma Gandhi Institute Press: 1989), pp.124-30.
- Christopher Pinney 'Colonial Anthropology in the "Laboratory of Mankind", in C.A. Bayly (ed.), *The Raj: India and the British 1600-1947* (London, National Portrait Gallery Publications: 1990), pp.252-63.
- Mark Poffenberger 'The Resurgence of Community Forest Management in the Jungle Mahals of West Bengal', in David Arnold & Ramachandra Guha (eds), *Nature, Culture, Imperialism; Essays on the Environmental History of South Asia* (New Delhi, Oxford University Press: 1995), pp.336-69.
- Mark Poffenberger 'The Struggle for Forest Control in Jungle Mahals of West Bengal 1750-1900', in Mark Poffenberger & Betsy McGean (eds), *Village Voices, Forest Choices: Joint Forest Management in India* (New Delhi, Oxford University Press: 1996), pp.132-62.
- Mark Poffenberger & Betsy McGean (eds) *Village Voices, Forest Choices: Joint Forest Management in India* (New Delhi, Oxford University Press: 1996).
- Gyan Prakash *Bonded Histories: Genealogies of Labor Servitude in Colonial India* (Cambridge, Cambridge University Press: 1990).
- Gyan Prakash 'Terms of Servitude: The Colonial Discourse on Slavery and Bondage in India', in Martin A. Klein (ed.), *Breaking the Chains; Slavery, Bondage and Emancipation in Modern Africa and Asia* (Madison, University of Wisconsin Press: 1993), pp.131-49.
- Gyan Prakash & D. Haynes (eds) *Contesting Power: Resistance & Everyday Social Relations in South Asia* (Oxford, Oxford University Press: 1991).
- Mary Louise Pratt 'Scratches on the Face of the Country; Or, What Mr Barrow Saw in the Land of the Bushmen', in Henry L. Gates (ed.), *'Race', Writing & Difference* (Chicago, University of Chicago Press: 1991), pp.138-62.
- Mary Louise Pratt *Imperial Eyes; Travel Writing and Transculturation* (London, Routledge: 1992).

- N. Rajendra 'Transmarine Convicts in the Straits Settlements', *Asian Profile*, 11, 5 (October 1983), pp.509-17.
- Sadasivam Reddi 'Aspects of Slavery during the British Administration', in U. Bissoondoyal & S.B.C. Servansing (eds), *Slavery in South West Indian Ocean* (Moka, Mauritius, Mahatma Gandhi Institute Press: 1989), pp.124-30.
- K.M. Reid ' "Contumacious, Ungovernable and Incurable": Convict Women and Workplace Resistance; Van Diemen's Land, 1820-1839', in Ian Duffield & James Bradley (eds), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997) pp.106-23.
- Lindsay Rivière *Historical Dictionary of Mauritius* (London, The Scarecrow Press: 1982).
- Peter Robb (ed.) *Society and Ideology: Essays in South Asian History* (New Delhi, Oxford University Press: 1993).
- Peter Robb 'Texts, Communities, and the History of Change in Modern South Asia', in Peter Robb (ed.), *Society and Ideology: Essays in South Asian History* (New Delhi, Oxford University Press: 1993), pp.1-21.
- Peter Robb (ed.) *The Concept of Race in South Asia* (New Delhi, Oxford University Press: 1995).
- Peter Robb (ed.) *Dalit Movements and the Meaning of Labour in India* (New Delhi, Oxford University Press: 1993).
- F. Bruce Robinson 'Bandits and Rebellion in Nineteenth Century Western India', in Anand A. Yang (ed.), *Crime and Criminality in British India* (Tucson, University of Arizona Press: 1985), pp.48-61.
- John D. Rogers *Crime, Justice and Society in Colonial Sri Lanka* (London, Curzon: 1987).
- John D. Rogers 'Colonial Perceptions of Ethnicity and Culture in Early Nineteenth-Century Sri Lanka', in Peter Robb (ed.) *Society and Ideology: Essays in South Asian History* (New Delhi, Oxford University Press: 1993), pp.97-109.
- Edward Said *Orientalism* (London, Pantheon: 1978).
- Kernial Singh Sandu 'Tamil & Other Indian Convicts in the Straits Settlements, A.D. 1790-1873', *Proceedings of the First International Tamil Conference Seminar of Tamil Studies, Volume I* (Kuala Lumpur, Malaysia, International Association of Tamil Research: 1968).

- Kernal Singh Sandu *Indians in Malaya: Some Aspects of their Immigration & Settlement* (Cambridge, Cambridge University Press: 1969).
- Kumkum Sangari & Sudesh Vaid (eds) *Recasting Women: Essays in Colonial History* (New Delhi, Kali for Women: 1989).
- Kay Saunders (ed.) *Indentured Labour in the British Empire 1834-1920* (London, Croom Helm: 1984).
- Kay Saunders & Raymond Evans (eds) *Gender Relations in Australia: Domination and Negotiation* (London, Harcourt, Brace Jovanovich: 1992).
- James C. Scott *The Moral Economy of the Peasant: Subsistence & Rebellion in Southeast Asia* (New Haven, Yale University Press: 1976).
- James C. Scott *Weapons of the Weak: Everyday Forms of Resistance* (New Haven, Yale University Press: 1985).
- James C. Scott & Benedict J. Tria Kerkvliet (eds) *Everyday Forms of Peasant Resistance in South-East Asia* (London, Frank Cass: 1986).
- James C. Scott 'Everyday Forms of Peasant Resistance', in James C. Scott & Benedict J. Tria Kerkvliet (eds), *Everyday Forms of Peasant Resistance in South-East Asia* (London, Frank Cass: 1986), pp.5-35.
- James C. Scott *Dominance and the Arts of Resistance: Hidden Transcripts* (New Haven, Yale University Press: 1990).
- Ranjit Sen *Social Banditry in Bengal 1757-1793: A Study in Primary Resistance* (Calcutta, Ratna Prakashan: 1988).
- B. Schwartz *Caste in Overseas Indian Communities* (San Francisco, Chandler: 1967).
- Sydney Selvon *Historical Dictionary of Mauritius (second edition)* (London, Scarecrow Press: 1991).
- A.G.L. Shaw *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and Other Parts of the British Empire* (London, Faber & Faber: 1966).
- A.G.L. Shaw & C.M.H. Clark (eds) *Australian Dictionary of Biography: Volume II, 1788-1850* (Melbourne, Melbourne University Press: 1967).
- Jyotsna G. Singh *Colonial Narratives/Cultural Dialogues; "Discoveries" of India in the language of colonialism* (London, Routledge: 1996).

- K.S. Singh *The Scheduled Tribes; People of India National Series, Volume III* (New Delhi, Oxford University Press: 1994).
- K.S. Singh *The Scheduled Castes; People of India National Series, Volume III* (New Delhi, Oxford University Press: 1995).
- Radhika Singha ' "Providential" Circumstances: The Thuggee Campaign of the 1830s and Legal Innovation', *Modern Asian Studies*, 27, 1 (1993), pp.83-146.
- Barry Smart *Foucault, Marxism and Critique* (London, Routledge: 1983).
- Richard Saumarez Smith 'Rule-by-records and rule-by-reports: complementary aspects of the British Imperial rule of law', *Contributions to Indian Sociology*, 19, 1 (January-June 1985), pp.153-76.
- June Starr & Jane F. Collier (eds) *History and Power in the Study of Law: New Directions in Legal Anthropology* (Ithaca, Cornell University Press: 1989).
- Nancy Stepan *The Idea of Race in Science: Great Britain, 1800-1960* (London, Macmillan: 1982).
- Eric Stokes *The Peasant and the Raj: Studies in Agrarian Society and Peasant Rebellion in Colonial India* (Cambridge, Cambridge University Press: 1978).
- M. Sturma *Vice in a Vicious Society: Crime and Convicts in Mid-Nineteenth Century New South Wales* (London, University of Queensland Press: 1983).
- Virginia Taylor *Two Families of the Ile de France; A Study of the Rouillards and de Chazals, Volume II* (Mauritius, published by the author: 1989).
- Nicholas Thomas *Colonialism's Culture: Anthropology, Travel & Government* (Cambridge, Polity Press: 1994).
- E.P. Thompson 'Time, Work Discipline and Industrial Capitalism', *Past and Present*, 38 (1967), pp.56-97.
- E.P. Thompson *The Poverty of Theory & Other Essays* (New York, Monthly Review Press: 1988).
- Auguste Toussaint *History of Mauritius* (London, Macmillan: 1977).
- Auguste Toussaint & P.J. Barnwell *A Short History of Mauritius* (London, Longmans: 1949).
- Auguste Toussaint & H. Adolphe *Bibliography of Mauritius (1502-1954) covering the printed record, manuscripts, archivalia and cartographic material* (Port Louis, Esclapon: 1956).

- Hugh Tinker *A New System of Slavery: The Export of Indian Labour Overseas 1830-1920* (London, Oxford University Press: 1974).
- C.M. Turnbull *A History of Singapore, 1819-1975* (Kuala Lumpur, Oxford University Press: 1977).
- Raymond d'Unienville 'Le dossier d'un double échec de l'industrie de la soie', *La Gazette des Iles de la Mer des Indes*, 28 (November 1990), pp.48-67.
- Moonindra Nath Varma *Indian Immigrants and their Descendants in Mauritius* (Vacoas, Mauritius, published by the author: 1973).
- David A. Washbrook 'Law, State and Agrarian Society in Colonial India', *Modern Asian Studies*, 15, 3 (1981), pp.649-721.
- David Washbrook 'Land and Labour in late Eighteenth-Century South India: the Golden Age of the Pariah?', in Peter Robb (ed.), *Dalit Movements and the Meaning of Labour in India* (New Delhi, Oxford University Press: 1993), pp.68-86.
- Eric R. Wolf *Europe and the People Without History* (Berkeley, University of California Press: 1982).
- Nigel Worden 'Diverging Histories: Slavery and its Aftermath in the Cape Colony and Mauritius', *South African Historical Journal*, 27 (1992), pp.3-25.
- Anand A. Yang 'Dangerous Castes and Tribes: the Criminal Tribes Act and the Magahiya Doms of Northeast India', in Anand A. Yang (ed.), *Crime and Criminality in British India* (Tuscon, University of Arizona Press: 1985), pp.108-27.
- Anand A. Yang (ed.) *Crime and Criminality in British India* (Tuscon, University of Arizona Press: 1985).
- Anand A. Yang 'Disciplining "Natives": Prisons and Prisoners in Early Nineteenth Century India', *South Asia*, 10 (1987), pp.29-45.
- Anand A. Yang *The Limited Raj: Agrarian Relations in Colonial India, Saran District, 1793-1920* (Berkeley, University of California Press: 1989).

'The Genealogy of the Modern Subject: Indian Convicts in Mauritius, 1814-1853', in Ian Duffield & James Bradley (eds), *Representing Convicts; New Perspectives on Convict Forced Labour Migration* (London, Leicester University Press: 1997), pp.164-82.

Reproduced by kind permission of the publisher.

Representing Convicts

New Perspectives on
Convict Forced Labour Migration

Edited by

Ian Duffield and James Bradley



Leicester University Press
London and New York

NEW HISTORICAL PERSPECTIVES ON MIGRATION

Series Editors

Crispin Bates and Marina Carter

Representing Convicts

New Perspectives on Convict Forced Labour Migration

First published 1997 by
Leicester University Press, *A Cassell Imprint*
Wellington House, 125 Strand, London WC2R 0BB, England
127 West 24th Street, New York, New York 10011, USA

© Ian Duffield, James Bradley and the contributors 1997

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording or any information storage or retrieval system, without permission in writing from the Publishers or their appointed agents.

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library.

ISBN 0-7185-0075-X

Library of Congress Cataloging-in-Publication Data

Representing convicts: new perspectives on convict forced labour migration / edited by Ian Duffield and James Bradley.

p. cm.—(New historical perspectives on migration)

Includes bibliographical references and index.

ISBN 0-7185-0075-X

1. Convict ships—Great Britain—History. 2. Prisoners, Transportation of—Great Britain—History. 3. Convict labor—Australia—History. 4. Penal colonies—Australia—History.

I. Duffield, Ian. II. Bradley, James, 1911– . III. Series.

HV8950.A855 1997

364.6'8—dc20

CIP

96-24610

Typeset by BookEns Ltd, Royston, Herts.
Printed and bound in Great Britain by

Contents



<i>Series Editors' Foreward</i>	vi
<i>Notes on Contributors</i>	00
<i>Preface</i>	00
 Introduction: Representing Convicts? <i>Ian Duffield and James Bradley</i>	 00
Part 1: Convict Texts	00
1 Problematic Passages: 'Jack Bushman's' Convict Narrative <i>Ian Duffield</i>	00
2 Virtual Reality <i>Toni Johnson Woods</i>	00
3 Margaret Catchpole's First Ride? <i>Tina Picton Phillipps</i>	000
4 From Keneally to Wertenbaker: Sanitizing the System <i>Ruth Brown</i>	000
 Part 2: Questioning the 'Criminal Class'	 000
5 Representing Convict Women <i>Deborah Oxley</i>	000
6 'Contumacious, Ungovernable and Incurable': Convict Women and Workplace Resistance, Van Diemen's Land, 1820-1839 <i>Kirsty Reid</i>	000
7 A Zone of Silence: Queensland's Convicts and the Historiography of Moreton Bay <i>Tamsin O'Connor</i>	000
8 <i>Convict Workers</i> , 'Penal Labour' and Sarah Island: Life at Macquarie Harbour, 1822-1834 <i>Hamish Maxwell-Stewart</i>	000

Part 3: Classifying Bodies	000
9 The Genealogy of the Modern Subject: Indian Convicts in Mauritius, 1814–53 <i>Clare Anderson</i>	000
10 Embodied Explorations: Investigating Convict Tattoos and the Transportation System <i>James Bradley and Hamish Maxwell-Stewart</i>	000
11 'What Punishment will be Sufficient for these Rebellious Hussies?' Headshaving and Convict Women in the Female Factories, 1820s–1840s <i>Joy Damousi</i>	000
<i>Bibliography</i>	000
<i>Index</i>	000

CHAPTER NINE

The Genealogy of the Modern Subject: Indian Convicts in Mauritius, 1814–53

Clare Anderson



A quelque distance, trois cents Indiens d'une haute stature, la tête enveloppée d'une espèce de turban, n'ayant d'autres vêtements que quelques haillons autour des reins, s'avançaient à pas lents vers le port, attachés deux à deux par une longue chaîne qui traînait de leur cou jusqu'à terre: on me dit que ces malheureux n'étaient qu'une partie d'un régiment sipahis, qui, pour le crime de révolt contre les Anglais, avaient été condamnés à la déportation et aux travaux publics pour un temps illimité.¹

In 1816 the first Indian convicts were transported from the East India Company's Presidency of Bengal across the *kala pani* (black water) to the island of Mauritius. Lying 800 km east of Madagascar in the Indian Ocean, and measuring just 58 km from north to south and 47 km from east to west, over the next 20 years this British colony was to receive well over a thousand convicts from India, until the practice of transporting them to the island was abandoned in 1837. During this period, the convicts became a valuable workforce, playing a vital role in both public works projects and private agricultural enterprise, building and repairing the roads and bridges of the island and employed within the expanding plantation economy. In a society desperately short of labour, the diminution of the convict labour supply was greatly lamented as transportation ceased.

An examination of the discourse surrounding those convicts transported from India to Mauritius during the first half of the nineteenth century provides an ideal opportunity to explore some of the imperatives in the work of the French philosopher Michel Foucault, whose focus has largely been on the relationship between specific scientific disciplines and particular social practices in the modern age.² Foucault identifies such scientific disciplines, with their origins in the mid-eighteenth century, in the development of the human sciences which, he argues, are significant as 'technologies', techniques appropriated in the 'bio-(technico-)power' of a society concerned with the ordering, classification and

control of individuals. In diagnosing the development of this bio-power, Foucault produces a reading of Nietzsche's 'genealogy', describing the way in which power uses the illusion of meaning to further itself, in focusing upon the play of force relations as they exist in society. It is here that the relationship between scientific disciplines and social practices is implicated, as the enmeshment of power and knowledge is seen as integral to modern society. It is not a causal, but a correlative relationship, with power and knowledge operating in a mutually generative fashion, where knowledge of all sorts is thoroughly enmeshed in all forms of power, and power is enmeshed in all forms of knowledge:

We should admit ... power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power relations.³

The implication of the nature of such power-knowledge is that it is relations of confrontation, domination and subjection which characterize the social web. However, although power weaves its way into society in this way, it cannot be monopolized by an agent. Power is a strategy, but only in terms of the level of effect within a particular field in which a particular set of power relations are played out.⁴ In this sense, the technologies of power and knowledge cannot be localized in a particular type of institution or state apparatus, although the development of the technology of power was clearly political in that it was intimately related to the development of capitalism as an economic venture, as we will see.

In analysing the social relations of domination and subjection, Foucault attempts to locate historically and then to analyse the strands of discourse which deal with the individual, the knowledge of that individual and the power relations between individuals in society. His 'genealogical' approach seeks to construct a mode of analysis of those social practices where power and knowledge intertwine to shape the modern individual as both object and subject.⁵ In this sense, power-knowledge is at once both individualizing and totalizing in its implications. That is to say an attempt (and only an attempt, for power is open to resistance) is made to mould the individual in society into a subject of knowledge and then transform that individual from a subject (of that knowledge) into an object of the (totalizing) power of that knowledge, in what is essentially a duality of genealogical praxis. Moreover, for Foucault, the bio-power which is described is concerned with the categorization of populations through the use of the individual body as an object to be manipulated, a place where human science as a local practice reflects the nature of extraneous power relations.

There are three aspects to the genealogical process through which the individual subject is transformed into an object of power relations. Firstly, dividing practices form and give an identity to individuals within a group and, in so doing, force a sense of social exclusion on those groups within the general population. Secondly, these divisions are mediated and consolidated through the use of scientific classifications. Finally, in a paradoxical twist to the tale, individuals transform themselves into an object of their own subjectification.⁶ This process of subjectification takes on a dual meaning for each individual: 'subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power which subjugates and makes subject to'.⁷

An exploration of the relationship between power, knowledge and body and its implications for the division, classification and subjectification of individuals in society is highly relevant to the practice surrounding the experience of convictism, taking place as it did within an emergent colonial economy. However, such an exploration also illuminates the lacunae in Foucault's work. Not only does he fail to explore the relationship of the social practices which he describes to their economic context in a truly satisfactory way, he also overlooks the ways in which colonial knowledge itself was sometimes inaccurate and thus ineffective. It is to these issues that I will return later in this chapter. To begin, however, with some more conventional genealogical analysis: who were the convicts transported to Mauritius?

A few convicts were apparently brought to Mauritius from Batavia and China by the Dutch who settled in Mauritius intermittently, between 1638 and 1710, a practice which was discontinued by the French during their subsequent period of rule. However, soon after the British gained control of the island in 1810, the Governor of the colony, Sir Robert Townsend Farquhar, wrote to the Governor-General of Bengal, requesting that a supply of convicts be sent to Mauritius in order to meet the labour shortage on public works projects. Initially, a proposal for the employment of between 1500 and 2000 convicts from India was submitted.⁸ However, the Earl of Moira, the Governor-General, replied that the 'too inconsiderable' number of convicts who could be sent under the provisions of Act 53, Section 121, which only permitted the transportation of convicts overseas if they had been sentenced to transportation for life with hard labour, was so insignificant as to render the proposed scheme unfeasible.⁹ As a result, Farquhar scaled down his request and expressed his desire 'to be furnished as soon as possible with 500 Convicts'.¹⁰

It is perhaps unsurprising that Farquhar desired such a supply of convict labour. At the time of his request, the colonial government was using 'government slaves' on public works projects, largely clearing the streets of Port Louis and building or repairing roads. These slaves had either been 'inherited'

from the French colonial administration, or were 'Prize Negroes', seized from slave ships captured by the British in their attempts to suppress the slave-trade (illegal in British colonies under the Abolition Act of 1807).¹¹ In addition, and for the same purpose, each planter was obliged to furnish a certain number of slaves proportionate to the number they owned as *corvée* labour for a period of four days labour per slave per year. The abolition of the slave-trade, coinciding with the expansion of cane growing in Mauritius, precipitated a massive labour shortage. The introduction of a replacement source was seen as crucial to the stamping out of illegal slave importations.¹² But why did Farquhar request a supply of convict labour, and why convicts from Bengal? The British had long since adopted the Indian practice of using coerced labour (*begar*) in India itself to clear roads and carry their supplies. Moreover, prior to its establishment by the East India Company as a Presidency in 1805, Farquhar had been the Lieutenant-Governor of Pulo Penang, a small island just off the west coast of the Malay Peninsula, a place which had been receiving Bengali convicts on a regular basis since 1790 to work on various public projects.¹³ Farquhar was, it would seem, well aware of the utility of Indian convict labour.¹⁴

So, after an agreement that the total cost of the shipping of the transportees and their subsistence upon arrival in the colony was to be borne by the Mauritian authorities, the first convicts, a combination of 'Hindoos' and 'Musselmen', arrived in the colony from Bengal in January 1816, on board the ships *Lady Barlow* and *Helen*.¹⁵ Fifteen additional convicts under sentence of transportation for life in Aylmer later embarked on the ship *Charlotte*, with 'thirty or forty' more ready to sail on the *Discovery*,¹⁶ making a total of 537 arrivals during 1816.¹⁷ The transportation of convicts from Bengal was to continue until the mid-1820s, after which the supply was replaced by convicts from Bombay until 1837, when transportation from India to Mauritius ceased.¹⁸ These convicts had been convicted of a variety of crimes, including: political offences; dacoity; and, thuggee.¹⁹ With the arrival of the Indian convicts on the island, in lieu of providing *corvée* labour, the plantation owners were called upon to take a certain number of convicts as labourers in each quarter or parish, and were financially responsible for the cost of their maintenance.²⁰ In this way, not only did the convicts ameliorate the labour shortage on the island, but the colonial government also largely washed its hands of the labour costs of public works.²¹

A return of the number of Indian convicts in Mauritius, prepared for the *Commission of Eastern Enquiry* in 1828, states that a total of 1018 Indian convicts had been brought to the island, with a total of 381 having died since their arrival. Six hundred were listed as fit for labour, with about one-third of their number either masons, stonecutters, weavers or carpenters. Records also record the arrival of blacksmiths, gardeners, tailors, bricklayers, basketmakers, opium planters, braziers, a baker, a pastry cook and a silk and cotton spinner.²² Such

indents should not, however, be taken at face value. Working horses were not used in India which makes it extremely unlikely that any of the Indian convicts were, in fact, blacksmiths. Similarly, the strict rules of Hinduism concerning 'pollution' and food preparation meant that professional bakers and pastry cooks simply did not exist in India at this time. The transportation of several hundred more convicts was to boost this number during the 1830s, with the largest number of convicts in the colony at any one time peaking at 986 in 1834.²³ The number of female convicts was never numerically significant, despite Farquhar's initial concern that 'the natural proportion of the Sexes would be preserved as far as it may be found practicable'.²⁴ It was said that the nature of the sentences passed on Indian female felons usually precluded the possibility of transporting them, which 'rendered it impracticable for us to comply' with Farquhar's wish.²⁵ As a result, the total number of Indian convict women transported to Mauritius appears to have been just six, one from Bengal and five from Bombay.²⁶

Initially, the convicts were put to work clearing the harbour and demolishing old buildings in Port Louis.²⁷ Placed under the control of the newly set up Convict Department, by 1823 it was reported that 500 men were employed in the construction and repair of roads in the eight districts of the island, with the remainder employed in the public works of Port Louis itself, under the control of the Civil Engineer.²⁸ By 1825, the use of *corvée* labour on public works projects had been abolished altogether, first in the country districts and later in Port Louis, having been completely replaced by Indian convict labour.²⁹ After this date, many of the convicts transported to Mauritius continued to work on public works projects, whether at the Civil Engineer's Department in Port Louis or in the outlying districts of the colony under the Department of Roads and Bridges.³⁰ Others were said to have been employed at the *batelage* (loading and unloading ships) under the directions of the Collector of Customs and Harbour Master,³¹ with a significant number also allocated to private individuals such as Monsieur de Chazal and Mr Hughes, who were silk cultivators, and the (largely French) owners of the large sugar estates.³² In 1818, for example, almost 100 of the convicts were employed on the Belombre and D'Unienville plantations alone.³³ Indeed, the labour supply on the island was so short that individuals made continual requests to the governor either to allocate them convict labour or to write to the Indian government requesting such labour on their behalf.³⁴

The transportation of Indian convicts onto the island ceased in 1837, with those who had been transported prior to that date retained as unfree labourers in the colony until 1847. It was then recommended that, as soon as the necessary permission was granted from the government of India, all convicts who had served over 30 years in the colony or were more than 65 years old and who bore 'good character' be liberated, with the option of a free return passage to India or continuing under the charge of the government if remaining in the

colony and unable to gain their own livelihood.³⁵ On 11 April 1853, Governor Higginson reported having liberated all the Indian convicts except for two who were undergoing sentences of imprisonment for secondary offences committed in the colony. Some of the convicts were pensioned and, at the time of the *Report of the Royal Commissioners* in 1875, ten or twelve were said to remain there, receiving rations and lodgings. One had even established himself as a shopkeeper.³⁶ Although the Indian government had initial reservations about receiving its emancipated convicts back, most eventually did return.

* * *

Although the study of Indian convicts transported to Mauritius has not yet been the subject of systematic scholarly attention, this does not reflect a lack of historical sources. Not only were the convicts frequently mentioned in the travel literature of this period, but the colonial government itself was concerned with the documentation of each individual convict. This began with the creation of indents as each convict embarked on board ship and arrived in the colony,³⁷ and continued in the records of the regular musters and inspections which ensued. It is from such records that one can extract a great deal of extremely interesting 'bio-data' about the convicts, their names (and often, by implication, their occupations/castes), places of origin, probable ages, crimes for which transported and their occupations in the colony. However, it is also possible to look at such documentation, indeed documentation in general, as 'bio-power', a form of discourse exemplifying the web of power-knowledge as Foucault describes it. Indeed, Foucault argues that the accumulation of documentation makes possible 'the measurement of overall phenomena, the description of groups, the characterisation of collective facts, the calculation of the gaps between individuals, and their distribution in a given 'population', in other words, makes possible the division and classification of individuals into groups'.³⁸ In this sense, such 'bio-data/power' is part of the social relations of domination and subjection through which individuals are at once both individualized and totalized in society. At work within these particular convict records, then, is an example of the dividing practices central to Foucault's 'genealogy of the modern subject'.

At one level it seems clear that the ethnocentric British colonial eye homogenized the 'racial' and ethnic diversity of the convicts into the categories of 'Indian' and 'convict', individuals within a collective 'they'. However, implicit to this process was the fact that at another level, colonial discourse, in its concern to categorize and classify groups, was forced to specify the individuality of each convict. In this sense, the totalization of the convicts into a population depended upon the specification of the individuality of each:

Before seeing these people I had no idea that the inhabitants of India were such noble looking men; their skin is extremely dark, and many of the

older men had large moustachios and beards of a snow white colour; this, together with the fire of their expressions, gave to them an aspect quite imposing.³⁹

So wrote Charles Darwin upon his first sighting of the Indian convicts in Mauritius: the physical appearance (noble-looking, complete with fiery expression) of 'these people' as an *homogenized* group was taken as significant in creating 'an aspect quite imposing', a sense of the character of *the men*. Although rather less sympathetic in his observations, James Holman, the author of many travelogues during this period, wrote in a similar fashion:

These people are brought from Bombay, and are rendered very useful in this Colony; but *they* are most determined thieves, and may be considered to have a fish-hook attached to the end of every finger, stealing any thing that can either be converted into money, or turned to any use ... *they* are very idle when employed on public works.⁴⁰

It has also been argued that this abstracted he/they situated the individual subject in a timeless present tense, characterizing individual action not as a particular historical event, but as an instance of a pregiven custom or trait, which transforms the individual into 'a *sui generis* configuration'.⁴¹ Indeed, in a perfect illustration of this, the Revd Patrick Beaton wrote of the convicts in 1859:

In physical organisation and general intelligence they are far superior to their Coolie countrymen. One fine old man, living in the hut nearest to the sea, might sit as a model for one of the patriarchs. His Oriental features, tall, erect figure, flashing eyes, and flowing beard, recall the pictures of Abraham by the old masters.⁴²

The judgement of character according to physical appearance was, of course, nothing new, but what was significant was that it coincided with the development of particular human sciences which sought to divide, categorize and classify groups of individuals via at least perceived physical characteristics. In this way, concepts of the criminal class, the criminal caste and the criminal tribe were developing to take a place in the 'scientific' discourse of 'race', exemplified by anthropometry in which Charles Darwin himself, of course, was a key player.⁴³ Integral to this process of scientific ordering was the creation and appropriation of 'knowledge' of individuals where scientific categories were becoming, for the first time in the late eighteenth and early nineteenth centuries, the object of systematic political attention in their intervention in the systematization of the division of populations. It is against this background

that both the writing on and the documentation of the convicts must be understood. Such documentation, in its description of each convict, exemplifies the 'bio-power' of a colonial state concerned with classification, order and control. Such 'bio-politics of the population' were distinct from those 'anatamopolitics of the human body' which had been the focus of earlier forms of power. That focus on the individual body had become less necessary to the apparatus of control as societal power had developed to control the whole population.⁴⁴ However, paradoxically, the power of the state to produce an increasingly totalizing web of control over entire populations was increasingly intertwined with and dependent on its ability to produce a specification of such individuality, as 'the state's power (and that's one of the reasons for its strength) is both an individualizing and a totalizing form of power'.⁴⁵ It is this which was so significant in the division of convicts, with the authorities clearly concerned with the compilation of information, the harnessing of power through the creation of knowledge.⁴⁶

How then might we see these attempts at the physical description of the convicts by the state? Clearly, some sort of description was necessary in order to recognize each convict.⁴⁷ However, this need to identify – this individualizing creation of knowledge – was only really appropriate in a society concerned to recognize; in this case recognition served the dual purpose of the allocation of labourers to appropriate work tasks as active participants in the colonial economy and the identification of them as individuals in the event of their resistance to it.⁴⁸ It is not unreasonable to suggest that, as elsewhere, convict labour was crucial in constructing the infrastructure of Mauritius during the early years of British rule.⁴⁹ The Indian convicts built and repaired many of the quays, canals, roads and bridges throughout the island, as well as carrying out other vital roles as agricultural labourers for private individuals. Indeed, the benefits which the convicts could bring to the island were something which Farquhar was well aware of when he instigated the scheme. In a letter to the Bengal Judicial Department of 11 September 1815, it was agreed that '*as the whole measure is intended for the benefit of the island*', Mauritius should bear the charge of shipping the convicts to Mauritius and 'the providing of food, clothing, medical and, safe custody, and all incidental expenses from the period at which they may reach the Colony until their death'.⁵⁰ Later correspondence of Mauritian officials with the Calcutta authorities confirms that the measure was '*calculated to promote in a very material degree, the prosperity of the Mauritius*'.⁵¹ In this context, an obsession with cost-effectiveness permeated the whole exercise. At the very onset of transportation, in correspondence with Farquhar, the Earl of Bathurst wrote:

The Employment of Indian Convicts in the Colony may I am aware lead to all the beneficial results which you anticipate from it, and *should the Expense*

*of the Maintenance not exceed what the work on which they are employed would otherwise require, I shall readily sanction the transportation of a further number hereafter.*⁵²

He later warned Governor Darling, who required a further labour supply in 1819:

I see no objection also to you obtaining from the Government of India such a further supply [of convicts] as may be consistent with the means of the Colony to maintain, provided it shall appear to you that their services can be made essentially useful, — You will, however, consider previously to taking measures for procuring [the convicts], how far the temporary convenience of having their aid in rebuilding the town and repairing the roads, will counterbalance the inconvenience of entailing upon the Government a permanent charge for the maintenance of so large a number of individuals.⁵³

As transportation from India to Mauritius reached its zenith, the utility of it and *skilled* convict labour was realized, and requests for a further supply of men from India specified that it was 'most advisable' that 'stout able bodied male convicts, capable of being employed on the roads and not exceeding about 35 years of age (of whom it is very desirable that as many as possible should be artificers, such as masons, smiths, carpenters &c.)' should be selected for transportation.⁵⁴ Again, the Governor was mistaken in his belief that 'smiths' as such *were* obtainable. A specific request was later made for convicts to be sent who were skilled in the processes involved in the manufacture of silk, either in the cultivation of the mulberry in the rearing of the silk worm, or in the spinning of the silk itself.⁵⁵ Such age and occupation-specific concerns in the recruitment of labour would seem to be a hallmark of organized migration streams.⁵⁶ Convict migration itself would appear to be no exception.

It seems that the Indian convicts fulfilled their useful role in building and repairing public works in Mauritius. As the supply began to tail off, there were complaints that the roads were in want of repair through the decrease in use of convict road gangs.⁵⁷ This, together with the high wages being demanded by ex-slaves in the colony, led to a call from the Protector of Immigrants in 1858 to propose a scheme to reintroduce convicts from India. It was said that the planters themselves had no objections to such action, as they 'formerly caused no disorders' and that there was a great shortage in household servants:

It would be a great boon to persons living in Port Louis to get convict servants allowed to engage as a reward for good behaviour, and who, from fear of being sent back on the roads, would continue to behave well.⁵⁸

It is not unlikely that Mauritius's experience of the utility of Indian convict labour helped to inform the decision, after slave emancipation in 1834, to import Indians under terms of indenture to work on the plantations.⁵⁹ Indeed, the *Commission of Enquiry* in 1875 reported that convict 'forced labour' meant that the Indian indentured labourer 'was not the entire stranger he was in the West Indies and Demerara'.⁶⁰

* * *

It seems clear that although the accumulation of knowledge was neither a catalyst nor did it directly cause the development of capitalism, it was clearly at least a prerequisite. As Foucault states in *Discipline and Punish*, 'the accumulation of men and the accumulation of capital were inseparable' as 'the techniques that made the cumulative multiplicity of men useful accelerated the accumulation of capital'.⁶¹ Within an emergent colonial economy, it was such a precise 'accumulation' of the Indian convicts, the recording of their age and fitness for labour and their occupational skills, which allowed the government to recognize each individual and to allocate every one to appropriate work tasks accordingly. Indeed, it was their later division into 'classes' as 'effective', 'half-effective' and 'invalid' that also allowed the colonial government to conclude in 1847 that their maintenance was no longer a cost-effective exercise.⁶²

Discipline and particular spatial arrangements were also necessary to effect the capitalist work process, with disciplined and orderly individuals inserted into a machinery of production, parallel to their fixation, control and rational distribution as a population within the developing colonial economy. The fixation, control and rational distribution of populations built on what was perceived to be a statistical knowledge of them was crucial to the mutual dependence of disciplinary strategies and capitalism. Convict labour was no exception, with convicts allocated to work tasks, surveyed and disciplined by their overseers. In 1823 the Convict Establishment in Mauritius was made up of a General Superintendent, three Lieutenants, a Chief Overseer, and 21 ordinary overseers belonging to three 'classes'. The General Superintendent's duties were to ensure that the convicts performed their work and 'that justice is done in every respect with regard to the food, clothing, medical care and general treatment of the convicts'.⁶³ The Lieutenants were charged with the immediate superintendence of the work in progress, making weekly and monthly reports to the head of the Convict Establishment. The Chief Overseer, who had a knowledge of the 'Hindoo Language', was to enquire into complaints made by the convicts against the authorities. The Overseers, meanwhile, were:

entrusted with the *immediate surveillance* of the Convicts employed on the roads in the different Districts of the Island – Their duties are extremely arduous, as in order to *preserve Discipline* and ensure the performance of the

Labour required – they are with the convicts day and night, and are consequently much exposed to the Weather and Heat of the Sun. The Overseers must be *extremely vigilant* at night to prevent the Convicts dispersing themselves in the Country which might easily be done as they are Huttred in open Camps.⁶⁴

The convicts were to be constantly surveyed and disciplined, as subjects of the colonial panopticon eye.

It seems clear, then, that the Indian convicts in Mauritius were divided as individuals within a (total) population in order to be disciplined and controlled in a way which reflected the needs of the colonial economy. However, the power relations within this particular society also illustrate the process by which the individual becomes subjectified, that is controlled by and dependent on a third party and tied to a sense of his or her own identity. Evidently, convicts were always dependent upon the state for their basic subsistence needs such as their accommodation and rations. Moreover, it was to the convict's own advantage to work within the system, to accept his or her identity as a convict and to use it to best advantage. As in the management of Indian convicts in the Straits Settlements, convict commanders were integral to the working of the convict gangs, a position which could be reached after several years of 'good behaviour'.⁶⁵ Such incentives were key instruments in the successful extraction of labour from convicts' labour power, with convicts also permitted to hire out their labour once their government tasks had been completed, and sometimes paid a small gratuity for government labour itself.⁶⁶

* * *

It is noticeable that among nineteenth-century travellers to Mauritius, most observers were not unsympathetic towards the convicts whom they saw. James Backhouse, during a visit to Mauritius in the month of March 1838, wrote in his *Narrative* that:

What renders [the convicts] particular objects of sympathy is, that they were sent hither for life, and no hope of any remission of sentence is held out to them for good conduct. There are among them persons who were so young when transported, that in their offences, they could only be looked upon as the dupes of those who were older; and many of them bear good characters.⁶⁷

Charles Darwin also wrote that:

These convicts are generally quiet & well conducted; from their outward conduct, their cleanliness, and faithful observance of their strange religious

enactments, it was impossible to look at these men with the same eyes as our wretched convicts in New South Wales.⁶⁸

Similarly, the *Report of the Royal Commissioners* in 1875 noted:

Many of these men, particularly among the first introduced, were very desperate characters; but considering the *depôt* in which they were housed at Black River was admittedly incapable of keeping them in safe custody, and that the camps they were in when at work on the roads were no more places of security than are the straw huts of the present immigrants, it appears extraordinary that more complaints were not made of their conduct; in fact it is wonderful that they should have behaved themselves so well.⁶⁹

Such sympathetic descriptions of the convicts can be juxtaposed against earlier representations of them to reveal something of the imperatives of colonial labour. At the onset of transportation, correspondence contained in the *Bengal Judicial Consultations* described the 'turbulent nature' and 'desperate character' of the convicts,⁷⁰ whilst Governor Hall wrote at the beginning of 1818 that the extreme 'prejudice against the convicts in this Island is to that Extent that the Planters will not hire them'.⁷¹ However, as the demand for labour grew and the plantocracy began to realize the potential utility of the convicts for private enterprise, demand was such that later in the same year Farquhar wrote that he had received 'numerous and incessant applications from the planters to be permitted to employ them, in agriculture, and other new branches of industry'.⁷² It was at this point that the representation of the convicts seems to have begun to change, with the convicts transformed, at least in the colonial eye, from 'dangerous dacoits' and 'violent thugs' into docile and useful workers. How could they be perceived in any other way in an economy in such desperate need of their labour power? Their 'manners ... far from that atrocious ferocity which individuals, misled by delusive theories, may appear to apprehend' became 'generally submissive, and inoffensive'.⁷³ Moreover, their 'moral improvement' was perceived as having taken place in the very act of their transportation, assured as they crossed the Indian Ocean to be transplanted onto British soil; an act which broke their 'vicious habits and associations'.⁷⁴

It may be observed that it has been found by experience that the Indian Convicts transported to the Mauritius have been most successfully cut off from ... improper communication with their former associates of other Indian Tribes, and that generally speaking their condition, and morals have been much improved by the discipline under which they are governed in the Colony.⁷⁵

It is in the representation of the Indian convicts in Mauritius that we see the extent to which the development of colonial knowledge was inevitably both partial and incomplete. Charles Darwin, for example, described one convict that he saw as 'a confirmed opium eater, of which fact his emaciated body and strange drowsy expression bore witness',⁷⁶ in a misunderstanding of Indian practices surrounding the use of the drug. And what are we to make of Holman's observations that the convicts were 'most determined thieves' and, moreover, 'very idle when employed on public works'?⁷⁷ Another observer was to write in a similar fashion:

One has only, as one drives along, to watch the gangs of convicts working on the roads. Here is forced labour, by the side of yonder labour in the cane-fields which is *paid*. I do not mean to say you often perceive, even in the last, much genuine alacrity, unless it be when the sugar carts are unloading, – that work goes on briskly; but the way in which the men condemned to the roads [the convicts] creep along with their baskets on their heads, and sleepily tilt over the contents at a given spot, at once convinces you on which side the superiority lies ... It has been calculated that at Portland the prisoners do about 40 per cent. of the quantity of work which would be performed, in the like time, by the like number of free hands. I know not what the proportion may be here, but at the most limited computation it must be something like the above.⁷⁸

Such observations might well tell us something about the nature of convict 'resistance', but, in their classically orientalist fashion, they also tell us a great deal about colonial perceptions which saw only the negative 'alacrity' of the Indian labour process, rather than understood the nature of that process itself.

There is an obvious need for further research into the representation of the convicts transported to Mauritius. It seems possible, however, that the colonial eye showed a certain short-sightedness in its evaluation of the nature of Indian cultural practices, resulting in an imperfect 'knowledge' of the convicts themselves. This has profound ramifications for Foucault's interpretation of the nature of power relations in society. If it is true that power and knowledge are mutually reinforcing, it could be suggested that where knowledge has no real basis, the nature of power itself must also be seriously reconsidered. That is to say, in this case, efforts to order and control the convict subject within an emergent colonial economy could never be totalizing as the web of power relations was not ineluctable. Or, as another critic has put it, although colonialism was certainly dominant, it was not necessarily hegemonic.⁷⁹ Thus the colonial state might seem all-powerful, but the colonial subject is not, however, rendered totally powerless.⁸⁰

Notes

1. François Jacques Marie Auguste Billiard, *Voyages aux colonies orientales ou Lettres écrites des Îles de France et de Bourbon pendant 1817, 1818, 1819 et 1820 à M. le comte de Montalivet* (Paris, Librairie Française de l'Advocat, 1829), p. 31.
2. Although Foucault's work exhibits a continuity at this level, it also shows a clear methodological shift. His early work – *The Order of Things: An Archaeology of the Human Sciences* (London, Tavistock, 1970); *The Archaeology of Knowledge* (London, Tavistock, 1972); *Madness and Civilization: A History of Insanity in the Age of Reason* (New York, Vintage/Random House, 1973); and *The Birth of the Clinic: An Archaeology of Medical Perception* (London, Tavistock, 1973) – could be described as neo-structuralist in its focus upon the 'hermeneutics of suspicion', the recovery of the deep, hidden meanings and truths ('epistemic rules') which Foucault saw as regulating and governing the discursive practices of the human sciences. In this sense, social practice was subordinated to a determining theoretical social structure, with the discourse of human sciences producing the subject within an autonomous rule-governed system. A turning-point seems to have come with the essay 'Nietzsche, Genealogy, History', and was developed in his subsequent works *Discipline and Punish: The Birth of the Prison* (London, Allen Lane, 1977), *The History of Sexuality: Volume 1* (New York, Pantheon, 1978) and the collection in *Power/Knowledge: Selected Interviews and Other Writings by Michel Foucault, 1972–1977* (New York, Pantheon, 1980), in which Foucault's concerns shift from a focus upon theory to one on practice. This later work is still 'archaeological' in the sense that he isolates the discursive practices of the human sciences, but is post-structural (and post-hermeneutic) in the sense that rather than locating them as a product of hidden epistemic rules, his focus turns to their social effects, their role in the organized and organizing practices of society, in whose spread they play a crucial role. The whole concept of deep meaning itself comes to be viewed as a cultural construction. See Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Brighton, The Harvester Press, 1982).
3. Foucault, *Discipline and Punish*, p. 27.
4. Barry Smart, 'On Discipline and Social Regulation: A Review of Foucault's Genealogical Analysis' in David Garland and Peter Young (eds), *The Power To Punish* (Aldershot, Ashgate Publishing, 1992), p. 77.
5. Dreyfus and Rabinow, *Michel Foucault*, p. 123, term this approach 'interpretive analytics'.
6. Michel Foucault, 'The Subject and Power' in Dreyfus and Rabinow, *Michel Foucault*, p. 208. An analogy between Foucault's concern with the conception of the human subject and that of Nietzsche has also been drawn here – implicit to both is the assumption that only the status and capacities of the subject can define the capacities of that subject to domination and freedom. Barry Smart, 'On Discipline and Social Regulation', p. 64.
7. Foucault, 'The Subject and Power', p. 212.
8. India Office Library, London (henceforth IOL) E/4/695, *Extracts of Bengal Judicial*

Consultations, Despatch from Governor Farquhar to the Earl of Moira, Governor-General-in-Council, 29 Dec. 1814, p. 10.

9. IOL F/4/534, Board's Collections 12,853, *Correspondence with Governor Farquhar relative to the measure of supplying the Island of Mauritius with Convicts sentenced to transportation for Life by the Courts of Criminal Judicature under this Presidency*, Despatch from the Earl of Moira to Governor Farquhar, 1817, pp. 13 and 5.
10. *Ibid.*, pp. 2 and 18.
11. Moses D.E. Nwulia, *The History of Slavery in Mauritius and the Seychelles, 1810–1875* (New Jersey, Associated University Presses, 1981), p. 71.
12. Public Record Office, London (henceforth PRO), Colonial Office (henceforth CO) archives 167/57. In this later despatch (no. 19) to Bathurst, 14 March 1821, in suggesting that a further number of convicts be introduced into Mauritius, Farquhar wrote: 'The inhabitants of this Island feel most sensibly the want of working hands, and this has been one of the great inducements to the infraction of the Abolition Laws – a larger portion of convicts, therefore, introduced and distributed, without expense to this Government, would proportionally lessen the temptation to those Crimes'.
13. Kernial Singh Sandu, *Indians in Malaya: Some Aspects of Their Immigration and Settlement* (Cambridge, Cambridge University Press, 1969), pp. 132–40; Kernial Singh Sandu, 'Tamil and Other Indian Convicts in the Straits Settlements, A.D. 1790–1873', *Proceedings of the First International Conference Seminar of Tamil Studies*, vol. 1 (Kuala Lumpur, International Association of Tamil Research, 1968), p. 203; N. Rajendra, 'Transmarine Convicts in the Straits Settlements', *Asian Profile*, vol. 11, no. 5 (Oct. 1983), pp. 510–11.
14. PRO CO 167/41, Despatch from Farquhar to Bathurst, 18 July 1818, enclosing a Minute on the *Employment of Convicts from India*, which stated: 'His Excellency [Farquhar], from a long experience in Prince of Wales Island [Pulo Penang], where, under the immediate authority of the Governor General of India, he made similar allotments of Convicts to public works, and to individuals who undertook to introduce new branches of industry, and new modes of agriculture, can speak with confidence of the happy results of their extensive employment'.
15. IOL E/4/695, *Extracts*, 13 Sept. 1815, *Magistrate of the Suburbs of Calcutta to the Acting Secretary of the Judicial Department at Fort William*, p. 135.
16. IOL F/4/534, Board's Collections, *Correspondence between the Magistrates of the Suburbs of Calcutta and the Judicial Department at Fort William*, 21 Sept. 1815, pp. 196–205.
17. PRO CO 167/29, Despatch no. 45, Farquhar, Port Louis to Bathurst, London, 1 Nov. 1816.
18. PRO CO 167/287, *Report of the Committee Appointed to Inquire into the Present State of the Indian Convicts and the Most Expedient Mode of Employing them now that the Effectives are so Reduced in Number*, Port Louis, 20 July 1847, *Appendix No.1: List of Surviving Convicts in April 1847*.
19. *Ibid.* An analysis of the crimes of the Indian convicts is extremely interesting in its implications for the definition and labelling of normative behaviour and crime by the British in India during this period. Secondary literature of interest includes

- Basudev Chatterji, 'The Darogah and the Countryside: The Imposition of Police Control in Bengal and its Impact (1793–1837)', *The Indian Economic and Social History Review*, vol. XVIII, no. 1 (1981), pp. 19–42; Stewart N. Gordon, 'Sword and Thug: Thugs, Marauders, and State-formation in 18th Century Malwa', *The Indian Economic and Social History Review*, vol. VI (1969), pp. 403–29; Radhika Singha, "'Providential Circumstances': The Thuggee Campaign of the 1830s and Legal Innovation', *Modern Asian Studies*, vol. 27, no. 1 (1993), pp. 83–146; and Anand A. Yang (ed.), *Crime and Criminality in British India* (Tucson, University of Arizona Press, 1985), pp. 140–63.
20. PRO CO 167/41, *Minute on the Employment of Convicts in Mauritius*, Despatch from Farquhar to Bathurst, 18 July 1818.
 21. PRO CO 167/41, Despatch from Farquhar to Bathurst, 18 July 1818. Indeed, it would seem that this was a concern dear to Farquhar's heart. In an earlier pamphlet, *Suggestions, Arising from the Abolition of the African Slave Trade, for Supplying the Demands of the West India Colonies with Agricultural Labourers* (London, John Stockdale, 1807), p. 37, he suggested that Chinese labourers be imported into the West Indies at the expense of the plantation owners who would, he argued, realize that it was in their own interest to do so.
 22. PRO CO 167/124, *Commissioners of Eastern Enquiry 1828, Vol I, Mauritius Finances and Establishments, Appendix No. 23: Return of the Number of Indian Convicts at Mauritius 30th October 1828, Distinguishing their Trades and the Number who have Left Families in India*.
 23. PRO CO 167/287, *Report of the Committee Appointed to inquire into the present state of the Indian Convicts*, and *ibid.*, Appendix No. 1.
 24. IOL E/4/695, *Bengal Despatches*, Correspondence from Governor Farquhar to the Earl of Moira, 27 May 1815.
 25. IOL E/4/695, *Bengal Despatches*, Correspondence from the Earl of Moira to Governor Farquhar, 11 Sept. 1815.
 26. *The Report of the Royal Commissioners Appointed to Enquire into the Treatment of Immigrants in Mauritius, 1875, Vol XXXIV*, p. 26.
 27. PRO CO 167/41, Despatch from Farquhar to Bathurst, 18 July 1818.
 28. PRO CO 172/44, *Blue Book 1823*, para. 85.
 29. PRO CO 167/82, Despatch no. 4 from Governor Cole to Bathurst, 1 Feb. 1825.
 30. See R.R. Kuczynski, *Demographic Survey of the British Colonial Empire*, vol. 2 (London, Oxford University Press, 1948), pp. 767–97.
 31. *Ibid.*, p. 771.
 32. *Report of the Royal Commissioners, 1875*, p. 26.
 33. PRO CO 167/40, *Convict Department, 21st Sept. 1818. An Enclosed Return Shewing the Number of Convicts Employed with Individuals During the Months of February, March, April, May, June and July 1817* shows another 150 were employed by other individuals.
 34. PRO CO 167/56, Despatch no. 19 from Farquhar to Bathurst, 14 March 1821.
 35. PRO CO 167/287, *Report of the Committee Appointed to inquire into the present state of the Indian Convicts*, 20 July 1847.
 36. *Report of the Royal Commissioners, 1875*, p. 27.

37. See *Passenger Lists, Inward*, Mauritian Archives.
38. Foucault, *Discipline and Punish*, p. 190.
39. Nora Barlow (ed.), *Charles Darwin's Diary of the Voyage of the H.M.S. 'Beagle'* (Cambridge, Cambridge University Press, 1933), pp. 401–2.
40. James Holman, *A Voyage Around the World, Including Travels in Africa, Asia, Australasia, America, etc. etc. from MDCCCXXVII to MDCCCXXXII*, vol. III (London, Smith, Elder and Co., 1834), p. 129 (emphases added).
41. Mary Louis Pratt, 'Scratches on the Face of the Country: or, What Mr Barrow Saw in the Land of the Bushmen' in Henry L. Gates (ed.), *'Race', Writing and Difference* (Illinois, University of Chicago Press, 1991), p. 139.
42. Revd Patrick Beaton, *Creoles and Coolies: Or, Five Years in Mauritius* (New York, Kennikat Press, 1971; first published in 1859), p. 179. By the date of first publication all the convicts had been emancipated.
43. See, for example, Crispin Bates, 'Race, Caste and Tribe in Central India: The Early Origins of Indian Anthropometry' in P. Robb (ed.), *The Concept of Race in South Asia* (New Delhi, Oxford University Press, 1995). There is a plethora of literature on the importance attached to 'race' in the recruitment of labour. See, for example, Syed Hussein Alatas, *The Myth of the Lazy Native: A Study of the Image of the Malays, Filipinos, and Javanese from the Sixteenth to the Twentieth Century and its Functions in the Ideology of Colonial Capitalism* (London, Frank Cass, 1977); David Dabydeen and Brinsley Samaroo (eds), *India in the Caribbean* (London, Hansib, 1987); and P.C. Emmer, 'The Meek Hindu: The Recruitment of Indian Indentured Labourers for Service Overseas, 1870–1916' in P.C. Emmer (ed.), *Colonialism and Migration: Indentured Labour before and after Slavery* (Dordrecht, Martinus Nijhoff, 1986). Jan Bremen, *Taming the Coolie Beast: Plantation Society and the Colonial Order in Southeast Asia* (New Delhi, Oxford University Press, 1989) and C.C. Crais, *White Supremacy and Black Resistance in Pre-Industrial South Africa: The Making of the Colonial Order in the Eastern Cape, 1770–1865* (Cambridge, Cambridge University Press, 1992) both discuss the importance attached to 'race' in the organization of the labour process. The author hopes to explore these issues in more depth at a later date.
44. See Foucault, *The History of Sexuality*, p. 143, on 'anatomo-politics' and 'bio-power'. In his earlier *Discipline and Punish*, he juxtaposes the image of the gruesome execution of the regicide Damians with Jeremy Bentham's Panoptican prison, which illustrates the same point – a shift from the focus on individual bodies to a focus on the discipline and control of the individual within a whole population.
45. Foucault, 'The Subject and Power', p. 213.
46. In Mauritius during this period, *The Establishment of the Colonial Archives and Domain of the Crown*, under Baron D'Unienville, was instructed to undertake 'the delivery and authorisation of documents, ... comparison, computing and extracting from the originals deposited in the archives, for the use of the courts, the government or individuals'. PRO CO 172/45, *Blue Book 1824*, para. 70.
47. Photography was not used for such purposes until the 1850s. See J. Falconer, 'Photography in the Nineteenth Century' in C.A. Bayly (ed.), *The Raj: India and the British, 1600–1947* (London, National Portrait Gallery, 1991), p. 264–77.
48. Constrictions of space do not allow a more detailed discussion of the exact nature

of the colonial economy, particularly in relation to the theoretical problematics concerning the role of 'unfree' labour within a capitalist system. However, as Ernesto Laclau argues in *Politics and Ideology in Marxist Theory* (London, NLB, 1977), in conceiving of concrete economic realities it is also necessary to conceive of those economies as systems of relations constituted by the articulation of different modes of production within a world capitalist economic system. In this way, one can draw a clear distinction between 'economic systems' and 'modes of production', in order to analyse particular economic systems within a broadly capitalist framework. Thus, in the colonial plantation economies, the dominant mode of production was 'formally' capitalist, in that its plantocracy participated in the world market in which the dominant productive sectors were already capitalist, enabling them to participate in the general movement of the capitalist system without, however, their particular mode of production necessarily being capitalist, pp. 25 and 41–2.

49. This was also true in Australia. See, for example, R. Evans and W. Thorpe, 'Power, Punishment and Penal Labour: *Convict Workers* and Moreton Bay', *Australian Historical Studies*, vol. 25, no. 98 (April 1992); Hamish Maxwell-Stewart, *The Bushrangers and the Convict System of Van Diemen's Land, 1803–1846*, PhD thesis, University of Edinburgh (1990); and Stephen Nicholas (ed.), *Convict Workers: Reinterpreting Australia's Past* (Cambridge, Cambridge University Press, 1988). Nicholas and Shergold also argue that 'the growth of Gibraltar, Bermuda, Penang, Malacca and Mauritius would have been retarded without a source of bonded, criminal labour'. Stephen Nicholas and Peter R. Shergold, 'Transportation as Global Migration' in Nicholas (ed.), *Convict Workers*, p. 37. One might add Singapore to this list. Similarly, Robert Miles in *Capitalism and Unfree Labour: Anomaly or Necessity?* (London, Tavistock, 1987), particularly pp. 198–9, cites the example of the convicts transported to Australia in arguing that where certain historical conditions are absent, labour power cannot be made available and distributed by a purely economic mechanism and some form of politico-legal intervention and/or compulsion becomes necessary. Thus, under certain conditions, unfree labour is necessary for the global expansion of capitalism.
50. IOL E/4/695, *Bengal Dispatches*, 15 Jan. 1819–24 Feb. 1819, pp. 656–7 (emphasized in original).
51. IOL F/4/534, *Board's Collections, Correspondence with Governor Farquhar relative to the measure of supplying the Island of Mauritius with Convicts Sentenced to Transportation for Life by the Courts of Criminal Judicature under this Presidency*, p. 3 (emphasized in original).
52. PRO CO 168/3, Despatch from Earl Bathurst to Farquhar, 4 Aug. 1817 (emphasis added).
53. *Ibid.*, Despatch from Earl Bathurst to Major-General Darling, 20 Oct. 1819.
54. PRO CO 167/86, Despatch no. 100 from Governor Cole to Earl Bathurst, 15 Dec. 1826, Enclosure no. 1: Minute 26, Reduit, 19 Feb. 1825.
55. *Ibid.*, Enclosures in Enclosure no. 4, *To our Governor General in Council at Fort William in Bengal, from the Judicial Department, London*, 31 Aug. 1825 and a letter from H. Shakespear (Secretary to the Governor) to the Superintendent at Allypore Jail, 2 March 1826.

56. A point made by Crispin Bates and Marina Carter in referring to the recruitment of indentured labourers for Mauritius later on in the nineteenth century: see 'Tribal and Indentured Migrants in Colonial India: Modes of Recruitment and Forms of Incorporation' in P. Robb (ed.), *Dalit Movements and the Meanings of Labour in India* (Oxford University Press, New Delhi, 1993), p. 161. As the demand for indentured labourers gathered momentum in the 1830s, the colonial government actively encouraged the recruitment of tribals from Calcutta, considering them best adapted for plantation labour in the colony. See Crispin Bates and Marina Carter, 'Tribal Migration in India and Beyond' in Gyan Prakash (ed.), *The World of the Rural Labourer in Colonial India* (New Delhi, Oxford University Press, 1992), p. 232.
57. PRO CO 714/99, *Analytical Index, 1811-1849*, 25 March 1841.
58. *Report of the Royal Commissioners, 1875*, recalled the 1858 debate, p. 27.
59. On this point, see Nicholas and Shergold, 'Transportation as Global Migration', p. 32.
60. *Report of the Royal Commissioners, 1875*, p. 27.
61. Foucault, *Discipline and Punish*, p. 221.
62. PRO CO 167/287.
63. PRO CO 172/43, *Blue Book 1823*, para. 85.
64. *Ibid.*, paras. 31 and 85 (emphasis added).
65. PRO CO 167/67, 30 Aug. 1823, Despatch no. 8 from Cole to Bathurst.
66. PRO CO 167/45, Despatch from Governor Darling to Bathurst, 6 May 1819, enclosing a letter from the Civil Engineer's Office, 11 March 1819. James Holman, *A Voyage Around the World*, p. 129, also noted that 'some of them are not long in the Colony before they contrive to gain a little fortune'.
67. James Backhouse, *A Narrative of A Visit to The Mauritius and South Africa* (London, Hamilton, Adams and Co., 1844), p. 35.
68. Barlow (ed.), *Charles Darwin's Diary*, p. 402.
69. *Report of the Royal Commissioners, 1875*, pp. 26-7.
70. IOL E/4/695, *Bengal Despatches*, p. 125.
71. PRO CO 167/37, Despatch from Governor Hall to Earl Bathurst, 28 Jan. 1818.
72. PRO CO 167/41, Despatch from Farquhar to Bathurst, 18 July 1818.
73. *Ibid.*
74. PRO CO 167/56, Despatch no. 19 from Farquhar to Bathurst, 14 March 1821, enclosing a letter from W. May to Farquhar, 6 Sept. 1820, requesting the allocation of 200 convicts for his own private use.
75. PRO CO 167/86, Despatch no. 100 from Governor Cole to Bathurst, 15 Dec. 1826, Enclosure in Enclosure no. 4, from H. Shakespear (Secretary to the Governor, Fort William) to G.A. Barry (Chief Secretary to the Government of Mauritius), 13 July 1826.
76. Barlow (ed.), *Charles Darwin's Diary*, p. 402.
77. Cited in P.J. Barnwell (ed.), *Visits and Despatches, Mauritius, 1598-1948* (Port Louis, Standard Printing Establishment, 1948), p. 235.
78. Charles John Boyle, *Far Away: Or, Sketches of Scenery and Society in Mauritius* (London, Chapman and Hall, 1867), p. 109.
79. Ranajit Guha, 'Dominance without Hegemony and its Historiography' in Ranajit

Guha (ed.), *Subaltern Studies: Writings on South Asian History VI* (New Delhi, Oxford University Press, 1989), pp. 210–310.

80. I would like to thank Crispin Bates and Ian Duffield for their comments on earlier drafts of this chapter.